

CHAPTER 6

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6.01.00.00 - ENGINEERING

GENERAL

6.01.01.00 Scope

R/W Engineering is the office survey phase of transportation engineering. R/W Engineering prepares maps and descriptions for acquisition and disposal of right of way and prepares, maintains and updates record maps for R/W and other CALTRANS properties. CALTRANS's system of data processing is designed to isolate costs, and accounts for various operations of R/W Engineering, as well as other R/W activities.

6.01.01.01 Project Engineering

R/W Engineering work for specific projects begins with collection of information necessary for location of property lines. It continues through preparation and delivery of maps, descriptions, and documents to the appraisal, acquisition, condemnation, and vouchering sections. It ends with relinquishment and vacation of superseded highways and collateral facilities, disposal of excess lands, and, in some cases, preparation of monumentation maps. Preparation of monumentation maps is a duty of the Survey function in some Districts.

6.01.01.02 R/W Engineering Drafting and Mapping

Examples of most R/W Engineering maps, with requirements for preparation of these maps, are shown in Exhibit 6-1 with an alphabetical letter identifying each separate map type. The Drafting And Plans Manual, R/W Engineering Drafting And Mapping Chapter also shows examples, requirements and standards.

The purpose of the Exhibit maps and Drafting And Plans Manual is to provide guidance and assistance to employees who are involved in preparing engineering drawings. As such, all maps must be prepared in accordance with the Exhibits and/or Drafting and Plans Manual.

6.01.02.00 Maps for Federal Participation in R/W Costs

FHWA Maps are used to show parcels to be acquired on projects for which Federal aid reimbursement will be requested. They are used for:

- A. Transmittal to the FHWA for approval of right of way requirements.
- B. To support claims for reimbursement.
- C. To assist in vouchering for right of way costs and in maintenance of cost records.

Maps used are Project Sheet/Index Maps (Exhibit 6-1(A)) and Final Voucher Maps.

6.01.02.01 Project Sheet Maps

Design changes subsequent to initial FHWA approval of Project Sheet Maps shall be processed as follows:

- A. Whenever design changes necessitate acquiring parcels in addition to those shown on approved parcel acquisition maps, a revised sheet (or sheets) delineating such parcels will be submitted to the FHWA. These submissions should indicate the reason for the revised sheet.
- B. Whenever there is a major design change of such a magnitude as to require an additional public hearing, revised plans will be submitted to the FHWA for issuance of an amended FHWA authorization.
- C. Minor line changes involving those parcels shown on original approved partial acquisition maps will be incorporated in final voucher "as-built" right of way plans (see Section 6.01.02.03).

6.01.02.02 Total Acquisition Maps

Total acquisition parcels may be acquired and vouchered prior to the time that termini of projects and interchange locations are definite. Total Acquisition Maps may be used in place of project sheet maps at the time of agreement. Total Acquisition Maps will show center lines, approximate right of way lines, parcel numbers and areas as a minimum and should show as much additional detail required for project sheet maps as is available at the time of submittal.

When partial FHWA authorization is obtained it should be revised to full FHWA authorization as soon as design details become available. Total Acquisition Maps should be replaced with project sheet maps and a supplemental agreement executed as soon thereafter as possible.

6.01.02.03 Final Voucher Maps

At completion of the construction project Project Sheet Maps are updated. R/W Engineers must check for right of way, parcel and area changes by comparing with the latest R/W Map. Although excess areas must be shown, there is no need to include Director's Deeds and Relinquishments. They also check for construction changes affecting right of way lines by comparing with "As-Built's".

Once all changes have been incorporated, maps are ready to be submitted for final vouchering.

6.01.03.00 Cost Estimate Maps

Adequate lead time and quality of mapping submitted to R/W are critical factors in producing valid R/W cost estimates. These maps must show the approximate land requirements for a project in advance of precise design requirements. They are used for:

- A. Studying alternative route locations.
- B. Studying alternative design features.
- C. Producing cost estimates comprising of:
 - 1. Land (ownership and area)
 - 2. Improvements
 - 3. Severance Damages
 - 4. Special Benefits
 - 5. Demolition

6. Relocation Assistance

7. Utility Relocation

The Divisions of Project Development and R/W determined it is Project Development's responsibility to obtain aerial mapping, mosaics, or as-built plans for all major projects, and for minor projects if available, covering affected properties and showing all improvements. For urban areas a scale of 1" = 50' (preferred) or 1" = 100' will be used. For rural areas a scale of 1" = 100' (preferred) or 1" = 200' will be used. Existing mapping or as-built plans may be used for minor projects or rehabilitation and operational improvement type projects, but should be field reviewed by Project Development to determine if affected property improvements are accurately shown.

A reproducible base map shall be sent to R/W. A copy of the base map showing the approximate proposed right of way lines must also be attached.

R/W Engineering will use current assessor's maps to graphically scale affected ownerships on reproducible base maps, showing limits and size of parcels and assessor's parcel numbers. R/W Engineering will also provide the location of existing right of way lines and existing access control line information.

R/W will return a reproducible ownership base map to Project Development.

Project Development, when requesting R/W cost estimates will plot on returned ownership base maps proposed right of way requirements along with any proposed access control. For conventional highways, significant grade changes requiring revisions to driveways should be indicated because changes to property ingress can have an impact on property value.

A reproducible ownership base map delineating right of way requirements should be returned to R/W. The maps will be reviewed by R/W Engineering and revised if necessary. Areas for rights of way, excess and remainders will be calculated and a print will be processed for estimating purposes.

It will be Project Development's responsibility to frequently review the project's right of way requirements to determine if substantive design changes have modified those requirements. Revised maps should be prepared and resubmitted to R/W as required.

6.01.04.00 **Freeway Lease Area Airspace Maps**

FLA Airspace Maps are used to show State-owned property, adjacent to or under freeways, that are available for leasing. They are used for inventory purposes, for information to potential lessees, for circulation prior to leasing and for estimating or appraising airspace lease areas. They consist of an Index Map and a Parcel Map. Parcel Maps consist of either an Inventory Map or an Appraisal Map.

All FLA maps shall be assigned FLA numbers as for example:

Sites identified along a route would be assigned an FLA prefix followed by the highway route number and number of the particular site, i.e., sites along Route 5 will be designated FLA-5-1, FLA-5-2, etc. Sites along Route 101 will be designated FLA-101-1, FLA-101-2, etc.

Requirements for FLA Parcel Maps are shown in Exhibits 6-1(B).

6.01.05.00 **Hardship Authorization Maps**

Hardship Maps are prepared to show parcels for acquisition in advance of normal acquisition scheduling. The maps are used for:

- A. Appraisal of the property.
- B. Negotiations with the property owner.
- C. As a base for a Resolution Of Necessity Map, if necessary.
- D. A temporary R/W Record Map.

Requirements for Hardship Maps are shown in Exhibit 6-1(C).

6.01.05.01 **Protection Authorization Maps**

Protection Maps are prepared to show parcels proposed for advance acquisition to prevent development of the parcel. The maps are used for submittal to the CTC when requesting approval to appraise and acquire. They are also used for the same reasons as hardship maps.

Requirements for Protection Maps are shown in Exhibit 6-1(D).

6.01.06.00 **Witness in Condemnation**

Those persons assigned to R/W Engineering who may be called upon to testify in court proceedings shall obtain training for those occasions. When appearing as a witness, they shall act as a representative of the public by being frank and truthful, giving honest, sincere, and competent answers, speaking distinctly and loud enough to be heard, keeping in mind that a record is being made. In the use of exhibits or blackboard explanation, they should refer to station points so the record will have meaning. They should at all times be courteous and respectful to the court.

R/W Engineers shall also assist the Legal Division and witnesses on all matters related to R/W Engineering.

6.02.00.00 - OWNERSHIPS, PARCELS, SUBPARCELS

6.02.01.00 General

Definitions and numbering of ownerships and State requirements from ownerships are covered in the following Sections. Under these definitions, the terms "ownership" and "parcel" are synonymous as far as count is concerned. The number of parcels and number of ownerships in a project will be equal. This will allow early estimates and an accurate parcel count on any specific project. As "parcel" will be used as a production control unit, the amount of work on a project can be closely estimated by an ownership count, which is possible prior to the final establishment of right of way.

6.02.02.00 Definitions

6.02.02.01 Ownership

- A. An ownership is any area of land that meets all of the following four requirements:
 - 1. Unity of title.
 - 2. A single perimeter.
 - 3. Not separated by a city street or alley, county road, or State highway (fee, easement or prescriptive right).
 - 4. Totally within one R/W EA.
- B. Specific exceptions to definitions of ownership are:
 - 1. Government Agencies--Properties under control of separate agencies of the same governmental body will be considered separate ownerships.
 - 2. Long-Term Leases--Where property is historically or customarily developed on the basis of long-term leases, such as subdivisions in the Irvine Ranch, the leaseholds will be considered as separate ownerships.
 - 3. Permits for Homesites on Federal Land--Rights of occupancy in National Forests or National Park Lands, as covered in Section

104.4 of the Streets and Highways Code, will be considered as separate ownerships.

- 4. Undeveloped Subdivisions--If a vesting is in a subdivision or tract in which the roads have not been improved or in which lots have not been sold individually, the subdivision streets and alleys will not be considered as dividing the ownership.

NOTE: Lands held by or for individual Indians or tribes under the various classes of Indian Lands each constitutes a separate ownership, as defined by the Bureau Of Indian Affairs, Department Of The Interior.

6.02.02.02 Parcel

A parcel is all of the rights and interests from an ownership, as defined above, which are required for certification of the project and which will be acquired by condemnation, if negotiations are unsuccessful. Excluded from the condemnation requirement are certain public lands which by law or policy will not or cannot be condemned but would be, if otherwise permitted. It should be recognized that "parcel", as defined in State's agreements with title companies, differs considerably from "parcel" as defined herein and is used only as a basis of paying for title company services.

Parcel identification as defined in this section will not affect existing practice of dividing or combining land areas for condemnation resolution or trial purposes.

6.02.02.03 Subparcel

A subparcel is each additional separate segment or degree of title of a parcel. It is the intent of the definition of the term "subparcel" that it apply only where two or more areas or interests are required by the State from an ownership. Subparcel does not apply to encumbrances that must be eliminated to perfect title.

- A. The following are examples of subparcels:
 - 1. Separate segments of fee required by State.

2. Permanent or temporary easements for highway purposes such as slope, drainage, scenic, retaining wall, detour, or construction easements.
3. Fee, permanent easements, and temporary easements, to be appraised or acquired in the name of the State or in the name of a third party for exchange purposes or under cooperative agreement. This includes acquisitions for sewer, storm drain, gas, water, electricity, pipeline, or ingress and egress.
4. Access rights when entirely separated from other right of way requirements.

B. The following are examples of interests that are not subparcels:

1. Excess land.
2. Remainders.
3. A separate use or zoning.
4. Interests in property that consist of encumbrances that must be cleared, such as overlying easements of an adjoining property owner, a lease, a utility easement, a mining claim, a mortgage, or a deed of trust.
5. Oil and mineral rights.
6. Permits to enter and construct (rights that would not be condemned).
7. Appurtenant easements.
8. Underlying fee in a public road. (It may be described separately in resolutions of necessity.)
9. An option of all or a portion of a parcel.

See Exhibit 6-2 for an example of parcel, subparcel and encumbrance numbering.

6.02.03.00 **Numbering**

6.02.03.01 **Ownership**

When it is determined that property rights will be required from an ownership, an identifying number without a suffix can be assigned. The number

assigned can then be used in the early stages of project development. Preliminary mapping, hard copies or base maps, title report orders, files, correspondence, and property surveys will carry this assigned number prior to the time parcel requirements are established.

An ownership having only appurtenant rights lying within the State's requirements will be assigned a parcel number when a separate title report, appraisal, and escrow are required. Otherwise, appurtenant rights will be considered as an encumbrance on the servient tenement. Determination of requirements affecting appurtenant rights normally occurs in the appraisal stage. It is the Appraisal Section's responsibility to initiate necessary action to establish such requirements as parcels.

6.02.03.02 **Parcel**

Each primary right of way requirement shall have the identical number as the ownership of which it is all or a portion and shall have the suffix "-1" added.

6.02.03.03 **Subparcel**

Each secondary right of way requirement, or subparcel, will be identified by a dash and numerical suffix following the parcel number.

6.02.03.04 **Non-Right of Way Parcels**

Properties required for office buildings, shops, maintenance station sites, mitigation sites, park and ride sites, disposal, and material sites follow the same rules of numbering as for right of way requirements.

6.02.03.05 **Cancellations**

If any parcel or subparcel is found to be no longer required, its number should be canceled and not reused. The Division shall be advised by memorandum if the parcel or subparcel is included in an appraisal which has been submitted to the Division. Said memorandum is the responsibility of the Appraisal Branch.

6.02.03.06 **Additional Requirements**

A parcel is closed upon recordation of the basic acquisition document. Additional right of way requirements from an ownership after the parcel is closed require the assignment of a new parcel number and treatment as a new acquisition.

6.02.03.07 **Ownership Splits**

When an ownership is divided by sale in such a manner that the parcel is divided, the remainder of the ownership will retain the original number. The parcel from the new ownership created by the split will be assigned a new number. An ownership split is created when a portion is covered by a valid contract of sale.

6.02.03.08 **Ownership Mergers**

No change in numbering will be made when a merger of ownerships is discovered after transmittal of final appraisal maps from R/W Engineering to the Appraisals Branch when used in the initial appraisal of the parcel. If discovered prior to such transmittal, the new ownership will assume one of the previously assigned numbers and R/W Engineering will cancel the other number.

6.02.03.09 **Combining Parcels for Appraisals and Acquisition**

In certain cases when two or more parcels, as defined herein, are in one vesting, it will be desirable to appraise and acquire them together. In such cases, the "larger parcel" concept will apply, and the parcels will be combined for appraisal, considering the unity of use, unity of title and contiguity. However, the parcels will retain their identity and numbers in the appraisal and throughout the acquisition process.

Work accomplishment will be based upon parcels appraised or closed, regardless of how they are combined. Appraisals or transactions consisting of multiple parcels should be so designated and credited by the number of parcels involved.

When parcels are so grouped for appraisal purposes, the lowest parcel number will be used as a primary number and the other parcel numbers placed in parentheses as a suffix to the primary number, i.e., 9053 (9054,9055,9060, etc.).

6.02.04.00 **Excess Land Numbering**

Excess land parcels shall be identified, numbered and shown on the appraisal map or R/W record map at the earliest possible date. R/W record maps, appraisal maps, and all excess land mapping shall show up-to-date excess land parcel numbers. R/W Engineering shall take the initiative on coordinating identification of excess with other R/W Branches and

Project Development so mapping changes can be kept to a minimum.

6.02.04.01 **Excess Land Parcel Numbers**

Excess land parcel numbers consist of a maximum six-digit alpha/numeric ownership number (parent parcel number), a two-digit unit number, and a two-digit item number. (All new ownership numbers shall be numeric.) The total excess land parcel number must be unique in each District.

Excess land parcel numbers consist of three parts:

A. Parent Parcel Number (Ownership Number)

The parent parcel number is the ownership number as defined in Section 6.02.03.01.

B. Unit Number

The unit number is always a two-digit number (01-99) and designates individual fee excess land parcels acquired from the same ownership. The first, or a single excess land unit, is number 01, additional units being 02, 03, etc. An alpha unit number now in the Excess Land Inventory need not be changed to numbers, but new unit numbers must be numeric.

C. Item Number

The item number is the numeric (01-99) designation of each conveyance out of an excess land unit.

Exhibit 6-2 contains examples demonstrating various parcel numbering situations. This parcel numbering shall appear on appraisal maps, record maps, and all excess land mapping. Remainder (REM) is shown on some of the examples to indicate remainders. This need not be shown on the actual mapping.

See Exhibit 6-8 for definition of non-inventory excess land parcels along with procedures to follow in numbering maps and documents.

6.02.04.02 **Cross-Reference Parcel Number**

When an existing excess land parcel number is not compatible with the 10-digit excess parcel number system, the old number (up to 15 spaces; i.e., a 12345-1.2a equals 11 spaces) may be entered into the computer on the Inventory Data Form as the "cross-reference parcel number". A "new" number, i.e.,

XXXXX, will be entered in the parent parcel number field with the appropriate unit and item numbers. This "new" or "dummy" number shall be entered on the R/W record map and on the Director's Deed map and document.

6.02.04.03 **Director's Deed Numbering**

R/W record maps and maps accompanying Director's Deeds shall show both excess land numbers and Director's Deed numbers. The Director's Deed number is an excess land number preceded by a DD, DE, or DK, depending on the type of title being conveyed. "DD" is for conveyance of fee; "DE" is for conveyance of an easement; and "DK" is used for Director's Quitclaim Deeds. If two or more parcels of excess land are combined for a single conveyance, the Director's Deed will be numbered using the lowest excess land number. It will not be necessary to show other excess land numbers on the Deed, but must be shown on the record map and Director's Deed map.

6.02.05.00 **Title Reports**

The term "title reports", for purposes of this Chapter, also includes reports titled "Condemnation Guarantees" and/or other reports issued by a title company.

Title reports shall be required for all parcels except the following:

- A. Isolated parcels having a land value of \$2,500 or less which do not involve access rights or improvements. In these cases, where the cost of the title report may exceed or equal the value of the parcel, reliance may be made upon the District's investigation of the condition of title as determined from county assessors' and recorders' records and other appropriate sources of title information.
- B. In cases involving donations of unimproved land the District may dispense with title reports. See also Chapter Eight, Acquisition.
- C. U.S. Government land controlled by either the Bureau Of Land Management, Bureau Of Reclamation, Department Of Indian Affairs, U.S. Forest Services, U.S. military reservations or other government agencies.

- D. All land owned by the State (not including Cal-Vet loan property vested in the State) such as State school lands or lands under the jurisdiction of CALTRANS, Department Of Parks And Recreation, etc.

For those cases involving Items C and D above, a CALTRANS employee will prepare a report titled "Certificate Of Title" (Form RW 8-14), containing the same information as would normally appear in a title report. The certificate will be signed by the District Title Officer, District R/W Engineer, or DDD, R/W.

If, in the opinion of the District, special circumstances warrant securing of title reports regardless of low appraised valuations on parcels of vacant land or other items cited above, title reports may be secured, but an effort to economize in such cases should be made.

Title reports are used by R/W in the preparation of the following:

- A. Legal Descriptions for Deeds.
- B. R/W Contracts.
- C. Memoranda Of Settlement.
- D. Resolutions Of Necessity.
- E. Right Of Way Schedules.
- F. Liability determination for utility relocation.

NOTES:

6.03.00.00 - BOUNDARY DETERMINATION AND R/W REQUIREMENTS

06.03.01.00 General

It is the responsibility of R/W Engineering to coordinate ownership boundaries with new right of way requirements and to calculate areas of ownerships, right of way requirements, excesses, and remainders as a basis for all R/W maps and descriptions.

When survey control and highway design are established on the California Coordinate System, right of way calculations must also be based on the California Coordinate System, except as provided for in Section 6.03.02.00.

Maps and documents produced in R/W Engineering shall clearly show datum upon which calculations are based. Survey and design data furnished to R/W Engineering may be based upon datum of 1927 or 1983, or in a rare instance a "local" datum. R/W Engineering maps and documents shall so state " ... *based upon the California Coordinate System of 19xx, Zone x ...* " or whichever datum calculations are based.

6.03.02.00 Boundary Determination

On total acquisitions located entirely within the highway right of way, it is not necessary to coordinate ownership boundaries on the project grid system (usually California Coordinate System) unless an ownership boundary is to be coincident with a right of way line. It is sufficient to use record dimensions and area so identified, unless substantial error exists in the record, in which case further investigation should be made to determine more precise boundary dimensions and area.

Property boundaries are to be established on the same grid system as new right of way requirements (usually California Coordinate System) for:

- A. Partial acquisition parcels.
- B. Total acquisitions with a boundary line coincident with the right of way line.
- C. Total acquisitions which include excess.

Ownership boundaries shall be located from field survey data and record information in accordance with established legal principles.

The underlying fee in an abutting public road will be mapped as part of an ownership as defined above only when it is specifically included in the record description of the property. The principle of separation of ownerships by a public road applies even though the underlying fee is continuous in the abutting owner on both sides of a public road.

6.03.03.00 New Right of Way Requirements

New right of way requirements are normally established in Project Development and located in reference to a highway centerline or other construction or control line. R/W Engineering makes necessary calculations to tie new lines to existing ownership boundary lines. It is the responsibility of R/W Engineering to review each Project Development submittal of right of way requirements to determine the following:

- A. That access restrictions as submitted conform to established policy.
- B. If it is possible and desirable to eliminate any sliver takings from ownerships and thereby eliminate cost of unnecessary acquisition.
- C. If it is possible and desirable to include within the right of way any small ownership remainders that would otherwise become unsaleable excess.
- D. If it is possible and desirable to include any slivers or superseded highway within the right of way requirements, thereby eliminating the need for future vacation investigation and proceedings.

It is CALTRANS policy to acquire fee for operating right of way. Exceptions for freeway or expressway rights of way shall be obtained from the Region/District Division Chief, Right of Way. Region/District approval is not required for a lesser

title from governmental agencies that routinely only give easements to CALTRANS. Exceptions for conventional highway rights of way shall be obtained from the Region/District Division Chief, Right of Way.

It is also Caltrans policy to acquire all abutter's rights on freeways and expressways whenever practical. "DFA" type clauses should be used unless there is economic justification to take a lesser right. Exceptions must be approved by the Region/District Division Chief, Right of Way.

6.03.04.00 **Minor Design Changes**

When minor design adjustments should be made, discussions should be held with appropriate Project Development personnel and the Region/District Division Chief, Right of Way.

6.03.05.00 **Property Ties**

It is the responsibility of R/W Engineering to initiate requests for property ties required to establish the location of property boundaries, and to determine record locations of monuments affected by highway construction or useful in establishing property boundaries. Some sources of monument information are the U.S. Government Surveys, Subdivision Maps, Records Of Survey, and other monuments placed by State, cities, counties, public utilities, and private surveyors.

R/W Engineering should make a thorough field review of the project area and determine if additional data is available that should be tied to the control line.

R/W Engineering should closely coordinate its request for field survey with the Survey Branch to accomplish the following:

- A. Allow the Geometronics Branch sufficient time to properly schedule work.
- B. Make certain that requested surveys clearly identify information needed for boundary determination. R/W Engineering should include any maps, plats, description, or other information necessary to clearly identify such requirements.
- C. That field notes supplied by the Survey Branch contain all information requested by R/W Engineering or information has been searched for and does not exist in the field.
- D. Hold to a minimum requests for the Survey Branch to make return trips to the field for additional information.

For more precise instruction, see the Surveys Manual.

NOTES:

6.04.00.00 - APPRAISAL MAPS

6.04.01.00 General

Appraisal Maps show land and improvements to be acquired for transportation facility right of way and nonoperating right of way. They are used for:

- A. Location of and familiarization with the property.
- B. Assistance in determining property value and severance damages.
- C. Use in appraisal reports.
- D. Certification.
- E. Utility relocations.
- F. A base for additional mapping.
- G. Temporary R/W Record Map.
- H. A base for final R/W maps.
- I. Relocation and clearance of improvements.

Maps for parcel appraisals shall consist of Appraisal and Index Maps. Appraisal Maps should be of a suitable scale to adequately show areas to be acquired for right of way. Index Maps shall show the general location of appraisal parcels and right of way project limits, extent of large individual ownerships, and relationship of the proposed highway to other roads and streets which might afford access to properties under appraisal. Requirements for the maps are shown in Exhibit 6-EX-1(E).

6.04.02.00 Ownership Extension

There may be occasions when a total holding in one vesting extends beyond the limits of a single ownership with right of way required from the single ownership. Upon determination by the Appraisal Branch that it is necessary to consider such extension of ownership in appraisal calculations, R/W Engineering will calculate additional areas and delineate the additional areas on the Appraisal Maps. Such delineation of total vesting will not require any change in the original ownership number.

6.04.03.00 Railroads

R/W Engineering shall furnish the necessary number of Appraisal Maps (and legal descriptions as soon as available) to the District Railroad Agent at the same time the Appraisal Maps are sent to the Appraisal Branch. Maps furnished by R/W Engineering to the person responsible for railroad negotiations should only have the Railroad parcel(s) colored.

6.04.04.00 **Certificate of Sufficiency**

R/W Engineering will initiate the Certificate of Sufficiency (CoS) process by including the unsigned CoS document (with appropriate parcel numbers inserted) with the Appraisal Map(s) transmitted to the Project Engineer. A copy of the Appraisal Map(s) and CoS document will also be transmitted to the District Hazardous Waste Coordinator. The process and the CoS document are outlined in Exhibit 6-EX-9.

6.05.00.00 - ACQUISITION DOCUMENTS

6.05.01.00 General

In the acquisition of land for right of way purposes, the Acquisition Branch must be furnished a properly drawn deed, describing land to be acquired, and containing appropriate exception and reservation clauses as the particular acquisition warrants.

In addition to fee or easement deeds from owners of land, R/W Engineering also prepares proper instruments to clear various liens, easements, trust deeds, mortgages and other encumbrances affecting the land. Information as to these encumbrances is normally shown in the title report.

6.05.02.00 Document Forms

Forms 6-1(A) through 6-1(R) are standard acquisition documents. These forms are furnished for normal use. Cases will arise where it is necessary for them to be modified to fit any given situation. Prior approval from the DDD, R/W and the Division is required when the forms need modification.

6.05.02.01 Document Numbering

All grant deeds or other basic conveyance documents will be designated numerically without alphabetical suffixes. For example, if the parcel is numbered 9053, the grant deed number in general will be simply "9053". If there are undivided fractional interests in vesting and it is necessary to prepare more than one grant deed to acquire complete title, the first grant deed will be numbered "9053 (First)", and the next grant deed will be "9053 (Second)", etc. In the above case, "First" and "Second", etc., are to be spelled out.

If several parcels are to be combined into one grant deed, the lowest parcel number will be used as the primary number and the other parcel numbers placed in parentheses as a suffix to the primary number, i.e., 9053 (9054, 9055, 9060, etc.).

All supporting documents are to be numbered with the basic document number and a capital letter suffix, beginning with "A" and going serially through the alphabet. For example:

Method Of Numbering	
<u>Grant Deed Number</u>	<u>Supporting Documents</u>
9053	9053-A; 9053-B; etc.
9053 (First)	9053-A; 9053-B; etc.
9053 (Second)	
9053 (9054)	9053 (9054)-A; 9053 (9054)-B; etc.

When a supporting document applies to only one parcel of several parcels that were combined in a grant deed, the supporting document will carry only the parcel number involved with appropriate suffix. Below the number in parentheses will be the file number. For example, the grant deed is numbered 9053 (9054, 9060). A Quitclaim Deed (supporting document) covering only 9054 should be numbered: 9054-A (File 9053).

When one supporting document applies to two or more parcels, the supporting document will carry the lowest parcel number with the appropriate suffix. The remaining parcel numbers with appropriate suffixes will be shown in parentheses following the assigned number, i.e., 9053-A (9054-A, 9055-A).

6.05.02.02 Acquiring Fee Interest in Public Ways

The State acquires sufficient title to existing public roads under Sections 83 and 233 of the Streets and Highways Code by including such areas within the boundaries of the State highway. It is not necessary for construction, operation or maintenance of State highways for the State to acquire the underlying fee in existing public ways. Acquisition of local street and road rights of way pursuant to these Sections do not require an acquisition document.

When the State acquires title pursuant to these Sections, it does not leave a clear chain of title in the official records. To avoid leaving isolated parcels of fee ownership underlying the highway right of way, it is CALTRANS policy to acquire underlying fee interests along with parcels which abut public ways within the proposed right of way. The underlying fee will generally pass with an abutting ownership unless the method of description precludes its conveyance. It is desirable to include in descriptions appropriate wording to assure the acquisition of grantors' fee interest, if any, in and to the area of adjacent public ways that fall within the necessary right of way.

If the description is not written so the underlying fee will pass, the description should be followed with a clause such as:

"Together with underlying fee interest, if any, contiguous to the above-described property in and to the adjoining public way."

The clause should be modified as necessary to positively identify the underlying fee area intended to be acquired. For example, "adjoining public way" could be replaced by naming the street or road.

In most cases, title searches need not be made to determine actual ownership of the underlying fee in public ways. Likewise, it will be unnecessary to obtain title insurance on such underlying fee interest acquired by the State.

6.05.02.03 **License Signature Page**

The Land Surveyors Act requires a seal, signature, number and license expiration date on each legal description where a new property line is created. This is not needed for a total acquisition. See Forms 6-2(A) through 6-2(D) for license signature pages which have been approved for use.

6.06.00.00 - STANDARD CLAUSES FOR FREEWAY DEEDS

6.06.01.00 **Classification of Clauses**

For the purpose of acquiring access rights and abutter's other appurtenant rights on freeway and expressway projects, a "DF" series of clauses known as the "DF", "DFA", and "DFO" clauses have been devised. Other clauses have also been devised for specific circumstances and are shown under their own Sections.

6.06.02.00 **"DF" Series--Access Only**

"DF" clauses merely acquire the abutting owner's rights of ingress and egress to or from the freeway.

6.06.02.01 **DF-1 Fee or Easement Deeds**

"This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to said freeway."

If access rights are to be acquired on only a portion of the highway frontage, add a phrase such as one of the following:

- A. *"...over and across the westerly 510 feet of the southerly line of the above described parcel of land."*
- B. *"...over and across courses '(2)', and '(4)' and the easterly 10 feet of course '(3)' hereinabove described."*

(In this case, courses in metes and bounds would be previously numbered.)

- C. *"...Reserving, however, to the grantor, grantor's successors or assigns, the rights of access to the freeway over and across the following described lines:*

(Describe lines over which access is to be permitted)"

- D. *"...Reserving, however, to the grantor, grantor's successors or assigns, the right of way access through the opening to the freeway over and across the S.W. 15 feet of the N.E. 81.06 feet of the course described above as N. 45° 38' E., 121.23 feet and over and across the Southwesterly 12.50 feet of the course described above as N. 45° 38' E., 838.34 feet. The centers of said access openings lie northwesterly, at right angles, opposite Engineer's*

Station A-49+00 and Engineer's Station A-68+67.82 respectively of said survey."

In case of adjoining cross streets which are to be closed and will not connect into the proposed freeway, add a phrase to the above clause such as follows:

"...over and across the northerly line of the above described parcel and also over and across that portion of the easterly prolongation of the said northerly line included within the side lines of Smith Street, 60 feet wide, as said street is shown on said map of Tract No. 211."

6.06.02.02 **DF-2 Fee or Easement Quitclaim Deed**

"This quitclaim deed is made for the purpose of a freeway and the undersigned hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to the remaining property in which the undersigned has some right, title or interest, in and to said freeway."

6.06.02.03 **DF-3 Partial Reconveyance Under Trust Deeds**

"This partial reconveyance is made for purposes of a freeway and said Trustee hereby reconveys without warranty, to the person or persons legally entitled thereto, any and all abutter's rights of access, appurtenant to the remaining property described in said Deed Of Trust, in and to said freeway."

6.06.02.04 **DF-4 Partial Release of Mortgage**

"This partial release is made for purposes of a freeway and the mortgagee hereby releases from the lien of said mortgage any and all abutter's rights of access, appurtenant to the remaining property described in said mortgage in and to said freeway."

6.06.02.05 DF-5 Conveying Property on One Side of Highway and Relinquishing Access Rights on Other Side

"The undersigned grantor being the owner of the real property described as follows:

(Description)

...does hereby release and relinquish to the grantee any and all abutter's rights of access appurtenant to said property in and to said freeway."

NOTE: This clause is to be added following DF-1.

6.06.02.06 DF-6 Conveyance of Access Rights--No Property Acquired

Where access rights only are being relinquished (no property acquired), the following clause "Relinquishment of Access Rights" shall be used.

"I, (WE) _____ being the owner(s) of the real property in the County of _____, State of California, described as:

(Description of grantor's property)

do hereby release and relinquish to the STATE OF CALIFORNIA, any and all abutter's rights of access, appurtenant to the above described property, in and to the adjacent State highway right of way as described in deed recorded in Book _____, Page _____ of Official Records of said County."

(NOTE: See notes following Clause DF-1 for acquisition of access rights on only a portion of highway frontage, etc.)

"This conveyance is made for the purpose of establishing said State highway by the grantee as a freeway and it is agreed that grantor's(s') above described property shall have no access thereto (except as above set forth)."

"IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of _____, 19__.

_____"

Where access rights only are being relinquished from properties encumbered with deeds of trust and the subordination agreement is a separate document, the following clause "Subordination of Deed of Trust to Relinquishment of Access Rights" shall be used.

"For value received _____, Trustee(s), and _____ Beneficiary(ies) under that certain Deed of Trust executed by _____, dated _____ and recorded _____ in Book ____ at Page _____, Official Records of the

County of _____, State of California, hereby agree(s) that a relinquishment of access rights as set forth in that certain instrument described as Relinquishment of Access Rights executed by _____, dated the ____ day of _____, 19__, and to be recorded concurrently herewith, shall be and remain paramount, prior and superior to, and forever bind the interests of the undersigned under said Deed of Trust for all purposes as fully as though said Relinquishment of Access Rights had been executed and delivered prior to the creation of said Deed of Trust and the latter made and accepted specifically subject and subordinate thereto."

"The undersigned, _____, Beneficiary(ies) under said Deed of Trust, hereby request(s) Trustee(s) thereunder to join in the execution hereof.

Dated this ____ day of _____, 19__.

Beneficiary

By: _____
Trustee"

Where access rights only are being relinquished from properties encumbered with mortgages and the subordination agreement is a separate document, the following clause "Subordination of Mortgage to Relinquishment of Access Rights" shall be used.

"For value received _____, Mortgagee under that certain Mortgage recorded ____ in Book _____, Page ____ of Official Records of _____ County, hereby agrees that a relinquishment of access rights as set forth in that certain instrument described as Relinquishment of Access Rights executed by _____, dated the ____ day of _____, 19__, and to be recorded concurrently herewith, shall be and remain paramount, prior and superior to and forever bind the interests of the undersigned under said mortgage for all purposes as fully as though said Relinquishment of Access Rights had been executed and delivered prior to the creation of said Mortgage and the latter made and accepted specifically subject and subordinate thereto.

*Dated this ____ day of _____, 19__. _____
Mortgagee"*

**6.06.03.00 "DFA" Series--Appurtenant Rights
Including Access Rights**

The "DFA" clauses acquire any and all appurtenant rights, such as view, light, and air, together with abutter's access rights. However, these clauses are for general usage and must be checked for conformance with each particular situation. Where necessary, it is permissible to modify them to conform to special situations as may be necessary. See Exhibit 6-3, "Freeway And Waiver Clauses/Miscellaneous Clauses".

6.06.03.01 DFA-1 Fee or Easement Deeds

"This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway"

"Reserving however, unto grantor, grantor's successors or assigns, the right of access to the freeway over and across the following described lines:

(Description)"

NOTE: If no access is permitted, delete the portion of the above clause beginning with the word "Reserving".

The above clause lends itself readily to describing the permitted openings into the expressway as exceptions. However, for deed writing purposes, in those cases where it is more convenient or desirable to affirmatively describe the line over which access rights are to be relinquished, in addition to the relinquishment of the other appurtenant rights such as light, air and view, the following alternate clause may be used:

DFA-1 Alternate Fee or Easement Deeds

"This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to said freeway over and across the westerly 510 feet of the southerly line of the above described parcel of land and over and across _____; also releases and relinquishes any and all other abutter's rights other than access appurtenant to said remaining property in and to said freeway."

**6.06.03.02 DFA-2 Quitclaim Deed--Fee and
Easement**

"This quitclaim deed is made for the purposes of a freeway and the undersigned hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to the remaining property in which the undersigned has some right, title or interest, in and to said freeway."

**6.06.03.03 DFA-3 Partial Reconveyance of Trust
Deed**

"This partial reconveyance is made for the purpose of a freeway and said Trustee hereby reconveys, without warranty, to the person or persons legally entitled thereto, any and all abutter's rights, including access rights, appurtenant to the remaining property described in said deed of trust, in and to said freeway."

NOTE: Form RW 6-1(N) "Request For Partial Reconveyance" is to be used with Form RW 6-1(R) "Partial Reconveyance Under Trust Deed (Fee)".

6.06.03.04 DFA-4 Partial Release of Mortgage

"This partial release is made for purposes of a freeway and the Mortgagee hereby releases and relinquishes from the lien of said mortgage any and all abutter's rights, including access rights, appurtenant to the remaining property described in said mortgage in and to said freeway."

**6.06.04.00 "DFO" Series--Freeway and Frontage
Road**

"DFO" clauses are for freeways having a frontage road. They acquire all appurtenant rights together with abutter's access rights to the inner traffic lanes only of the freeway.

6.06.04.01 DFO-1 Fee or Easement Deed

*"This conveyance is made for the purposes of a freeway and adjacent frontage road and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights appurtenant to grantor's remaining property in and to said freeway, provided, however, that such remaining property shall
abut upon and have access*

to said frontage road which will be connected to the freeway only at such points as may be established by public authority."

If in certain cases access to the frontage road is to be restricted or made to a certain portion of the frontage along that road, insert after the words "have access" in the above clause the following:

"as hereinafter provided"

Then add a description of the permitted access at the end of the clause, such as:

"The said right of access to said frontage road is hereby expressly limited to the westerly 201.36 feet of the above described course having a length of 639.41 feet."

NOTE: Any other appropriate description specifically defining the limits of access will be satisfactory.

6.06.04.02 **DF0-2 Quitclaim Deed--Fee or Easemen**

"This quitclaim deed is made for the purposes of a freeway and adjacent frontage road and the undersigned hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights appurtenant to the remaining property in which the undersigned has some right, title or interest, in and to said freeway, provided, however, that such remaining property shall abut upon and have access to said frontage road which will be connected to the freeway only at such points as may be established by public authority."

6.06.04.03 **DFO-3 Partial Reconveyance of Trust Deed**

"This partial reconveyance is made for purposes of a freeway and adjacent frontage road and said Trustee hereby reconveys without warranty, to the person or persons legally entitled thereto any and all abutter's rights, including access rights, appurtenant to the remaining property described in said deed of trust in and to said freeway, provided, however, that such remaining property shall abut upon and have access to said frontage road which will be connected to the freeway only at such points as may be established by public authority."

6.06.04.04 **DFO-4 Partial Release of Mortgage**

"This partial release is made for purposes of a freeway and adjacent frontage road and mortgagee hereby releases and relinquishes from the lien of said mortgage any and all abutter's rights, including access rights, appurtenant to the remaining property described in said mortgage in and to said freeway, provided, however, that such remaining property shall abut upon and have access to said frontage road which will be connected to the freeway only at such points as may be established by public authority."

6.06.05.00 **Access Clause for Deeds from Railroads Applicable to Freeways and Expressways**

6.06.05.01 **For Southern Pacific Grade Separation Projects**

"This conveyance is made for the purpose of a highway grade separation and the railroad hereby releases and relinquishes to the State any and all abutter's rights of access in and to the traveled way within the limits of the property hereinabove described."

6.06.05.02 **For Railroads Other Than Southern Pacific**

"This relinquishment of all abutter's rights of access is made subject to all of the existing private crossings over and across the areas described in this conveyance."

6.06.06.00 **Temporary Access and Deferment Clauses for Deeds**

The following Sections illustrate methods of reserving temporary access to owners and acquiring easements for temporary purposes due to highway construction. Other cases for allowing temporary access or for acquiring temporary highway interests in property will not differ greatly from the following Sections.

6.06.06.01 **Frontage Road Deferment Clause**

"The construction of said frontage road may be deferred for an indefinite period of time. Until said frontage road is constructed, said remaining property shall have access to the nearest roadway of said freeway, provided, however, that all rights of access to said freeway shall cease and terminate when said frontage road is constructed and said remaining property shall then abut upon and have

access to said frontage road which will be connected to said freeway only at such points as may be established by public authority."

**6.06.06.02 Vehicular Separation Construction
Deferment Clause**

Example:

"Reserving unto owners of abutting lands, their successors or assigns, the right of access to a temporary crossing of said freeway, at grade, to the county road known as Los Positas Road at Engineer's Station A681+50 on said centerline, until such time as the construction of a vehicular grade separation at or about Engineer's Station A694+00 of said survey, for the purpose of a crossing over said freeway, at which time the temporary crossing at grade shall be closed and such rights permitting access to said temporary crossing shall cease and terminate in the same manner as if never made."

6.06.06.03 Temporary Railroad Detour

Example:

"The above described parcel is to be used as a right of way for a railroad detour pending construction of a bridge separating the grades of the said San Diego and Arizona Eastern Railway and the State highway at said F Street, and the rights to be acquired therein shall cease and terminate on completion of said grade separation and in any event shall cease and terminate not later than _____."

**6.06.07.00 Reservation for Overhead and
Underground Facilities**

When the District finds that:

- A. The acquisition of right of way is through proven operating oil or gas fields where the oil company has a long-term oil and gas lease which specifically provides the lessee has surface rights including the right to install pipelines, power lines, etc., or
- B. The oil company owns the land in fee whether the location be a proven or potential oil field,

the District must use the following reservation clause in deeds:

"ALSO reserving unto grantor, its successors or assigns, the right from time to time to install, replace, repair, remove and maintain the following facilities subject to the conditions hereinafter continued: (a) underground facilities consisting of pipelines, electrical lines and conduits, together with appropriate housings therefor under and transversely across any portions of the lands herein conveyed; (b) overhead facilities consisting of electrical power and telephone lines over and transversely across any portions of the lands herein conveyed. Said reserved rights shall be subject to the following provisions:

- A. *Said underground facilities shall be installed beneath the surface of any highway or other structure built, owned or maintained by the grantee on said lands. Said overhead facilities shall be suspended over and across said lands by means of poles or towers situated on lands outside thereof.*
- B. *Grantor shall have no right of entry on the surface of said lands and shall exercise its rights over or under said lands in a manner consistent with public safety and the continued unobstructed use of said land for highway purposes.*
- C. *Before installing or performing any work on its facilities as herein provided, grantor agrees to obtain grantee's approval of the location of such facilities which approval shall not be unreasonably withheld."*

NOTE: The above clause shall not be used in deeds covering property in undeveloped oil or gas fields except in those cases where the oil company owns fee title. In many instances the lessee's rights are solely subsurface rights. Therefore, before consenting to the use of this clause, examination should be made of the terms of the lease to ascertain the extent of the lessee's rights.

6.06.08.00 Oil, Gas and Mineral Reservations

In transactions involving oil companies where the company conveys its fee land or leasehold interest to the State for highway purposes, which conveyances involve only the upper 100 feet of subsurface, the following clause shall be used:

"EXCEPTING AND RESERVING THEREFROM, all oil, oil rights, natural gas, natural gas rights and other hydrocarbons, by whatsoever name known,

and all other minerals and mineral rights, whether or not similar to those herein mentioned (including the right to drill, mine, explore and operate under and through the herein conveyed land for the purpose of extracting and producing oil, gas and other hydrocarbons by whatsoever name known, and all other minerals, whether or not similar to those herein mentioned, from other lands); provided that grantor shall not drill, mine, explore or otherwise operate upon, in or through the land herein conveyed, in the exercise of any of the herein excepted and reserved rights, so long as said land is used for public highway purposes."

NOTE: In cases where the leasehold rights are not as broad as the rights set forth in this clause, it will be necessary to modify the clause to the extent it will be compatible to the leasehold rights.

6.06.09.00 "DM" Series--Miscellaneous

The following Sections involve miscellaneous clauses consisting of a general waiver clause, divided highway clause, reservation clause for mineral rights and a clause restricting public access to private property.

In some cases it may be desirable, if not necessary, to have a similar clause in subordinate instruments such as quitclaim deeds, releases of mortgages, etc.. Whenever the corresponding clause is contained in the fee or easement deed from the State's grantor it will not be mandatory to insert the "DM" clause in subordinate instruments involving ordinary highway right of way acquisition.

6.06.09.01 DM-1 General Waiver for Deeds

"The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

"As used above, the term `grantor' shall include the plural as well as the singular number."

NOTE: Deeds with this clause are to be used in all fee acquisitions except in the following three cases:

- A. When the acquisition involves entire fee taking of grantor's property.
- B. When appurtenant rights are being taken under the "DFA" and "DFO" series of clauses.
- C. For (DM-1) modification to be used in transactions with The Atchison, Topeka And Santa Fe Railway Company, consult the Railroad Agent.

6.06.09.02 DM-2 General Waiver for Easement Deeds

"The grantor hereby further grants to grantee all trees, growths (growing or that may hereinafter grow) and road building materials within said right of way including the right to take water together with the right to use same in such manner and at such location as said grantee may deem proper, needful or necessary for the construction, reconstruction, improvement or maintenance of said highway.

"The grantor, for the grantor and the grantor's successors and assigns, hereby waives any claim for any and all damages to grantor's remaining property contiguous to the right of way to be conveyed by reason of the location, construction, landscaping or maintenance of said highway.

"As used above, the term `grantor' shall include the plural as well as the singular number."

NOTE: This clause is printed on Forms RW 6-1(E) "Highway Easement Deed (Individual)" and 6-1(F) "Highway Easement Deed (Corporation)". The clause is used in acquisition of all highway right of way easements, but should not be used for specific (slope, drainage, etc.) easements.

6.06.09.03 DM-3 (Reserved for future use.)

6.06.09.04 DM-4 Reservation of Oil, Gas, Mineral or Water Rights, Etc., in Favor of State's Grantor

This clause is for use in fee or easement condemnation parcels when it is desirable and necessary that mineral or oil rights be excepted to the owner or some other party having interest in the oil, such as where the owner has leased or sold a fractional part of the oil rights to others or for the right of way through proven or potential oil fields.

When it is advisable, water rights may also be excepted by inserting after the word "all" in the first line, the words "water, water rights."

The clause is as follows:

"Excepting therefrom all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstock or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands."

- NOTE:
1. When EXCESS LAND is being acquired, the use of the above clause, especially as to water rights, shall be thoroughly investigated to avoid jeopardizing the State's salable title for later return to private ownership.
 2. It is essential that any effect on the MARKET VALUE be investigated prior to incorporating the above reservations in a deed to the State.
 3. For modified (DM-4) clauses to be used with railroad companies, see the District Railroad Agent.

6.06.09.05 DM-5 Restricting Public Access to Private Property

"The foregoing release and relinquishment of right of ingress and egress above set forth is not intended and shall not be construed to authorize any entry by the grantee, its successors or assigns, or the public onto said remaining property of said grantor."

NOTE: This clause should be used only in those cases where the property owner or the

property owner's attorney insists that the clause relinquishing ingress and egress rights can be interpreted to mean the clause also grants to the State, its agency or representative, the right to enter upon the remaining property of the grantor. Whenever this paragraph is used in a grant deed it will be necessary to insert a similar clause in supporting documents such as a Partial Reconveyance Of Trust Deed, Release Of Mortgage, Quitclaim Deed, etc.

6.06.09.06 DM-6 Landlocked Remainders

The following clause shall be used in the Deed in each case involving the retention of a landlocked remainder by a grantor. This clause may be revised if necessary to meet special situations.

"It is mutually understood and agreed that grantor's remaining property is landlocked, and without any direct access to the freeway or to any public or private road, and grantors hereby relieve grantee of any liability to provide access to the remaining landlocked property."

6.06.10.00 "DM" Series--Court Orders

6.06.10.01 DM-7 Grantor is Executor of a Last Will and Testament, Administrator of an Estate, or Administrator with the Will Annexed

"This deed is executed pursuant to an order given and made by the Superior Court of the State of California, in and for the County of _____, on the ____ day of _____, 19____, in a proceeding therein pending entitled, 'In the Matter of the Estate of _____, deceased, and numbered _____, in the files and records of said court', a certified copy of which order is recorded contemporaneously herewith in the Office of the County Recorder of said county, to which reference is hereby made."

NOTE: If a certified copy of the order has been previously recorded, give the recording data.

6.06.10.02 DM-8 Grantor is the Guardian of the Estate of a Minor

"This deed is executed pursuant to an order duly given and made by the Superior Court of the State of California, in and for the County of _____,

on the ____ day of _____, 19 ____, in a proceeding therein pending entitled, 'In the Matter of the Guardianship of the Person and Estate of _____, a minor, and numbered _____ in the files and records of said court', a certified copy of which order is recorded contemporaneously herewith in the office of the County Recorder of said county, to which reference is hereby made."

- NOTE:
1. If a certified copy of the order has been previously recorded, give the recording data.
 2. The portion of the above statement enclosed within quotes is a fairly standard form. A check should be made to see if the title report shows a different form, and the quoted portion amended to conform. For example, the title report might say "*In the Matter of the Guardianship of the Estate of Joe Doakes, a minor,*" leaving out the words "Person and".

6.06.10.03 DM-9 Grantor is Guardian of the Estate of an Incompetent or Insane Person

"This deed is executed pursuant to an order duly given and made by the Superior Court of the State of California, in and for the County of _____, on the ____ day of _____, 19 ____, in a proceeding therein pending entitled, 'In the Matter of the Guardianship of the Estate of _____, an incompetent _____ and _____, an incompetent person _____, an insane person numbered _____, in the files and records of said court', a certified copy of which order is recorded contemporaneously herewith in the office of the County Recorder of said county, to which reference is hereby made."

- NOTE:
1. If a certified copy of the order has been previously recorded, give the recording data.
 2. The portion of the above statement enclosed within quotes is a fairly standard form. A check should be made to see if the title report shows a different form, and the quoted portion amended to conform. For example, the title report might say "*In the Matter of the Estate of Joe Doakes, an*

incompetent person," leaving out the words "guardianship of the".

6.06.11.00 "DM" Series--Actual Possession

This clause is used when the State has taken actual possession under a Right Of Entry, Order For Possession, has the right to take possession under a Court Order For Possession, or acquired the property by negotiated purchase.

"The date of possession by grantee of the herein described property was _____."

6.06.12.00 Slopes and Drainage Clauses

6.06.12.01 For Extention of Slopes and Drainage Structures Beyond Land Granted

On conventional highways it has been found advantageous to secure the privilege and right to extend the embankment or excavation slopes and drainage structures on lands of the grantor beyond limits of side lines of the strip of land being granted. This is done using a clause similar to the following example:

"The undersigned hereby grants to the State of California the privilege and right to extend and maintain drainage structures, 1:1 excavation slopes and 1-1/2:1 embankment slopes on the land of the undersigned beyond the limits of the above described 100-foot strip of land where required for the construction and maintenance of a 100-foot width of roadbed; also the privilege and right to plant and maintain grass, plants and trees on said slopes for the protection and beautification of same."

NOTE: Whenever this clause is used in the deed, it will likewise be necessary to insert a similar clause in subordinate instruments such as a Partial Reconveyance Of Trust Deed, Release Of Mortgage, Quitclaim Deed, etc.

6.06.12.02 For Right to Remove Slopes

The following clause is to be used primarily on conventional highways where the existing highway is being widened to its ultimate width of roadbed through fairly well-developed areas. Its use will be helpful in mitigating possible claims to damages where adjacent properties are zoned for commercial purposes. (Generally, this clause should not be used in agricultural areas or where the value of slope rights taken represents only a small consideration):

"An easement for highway slopes in and to

(Legal description of slope easement)

"Reserving unto grantors of the above described parcel of land, their successors or assigns, the right at any time to remove such slopes or portions thereof upon removing the necessity for maintaining such slopes or portions thereof or upon providing in place thereof other adequate lateral support, the design and construction of which shall be first approved by the State Department of Transportation, for the protection and support of said highway."

NOTE: When the slope easement is no longer necessary, the State may clear the easement from the public record by a Director's Deed quitclaiming the easement to the fee holder of the property. The property owner is entitled to the Director's Deed without payment or consideration.

6.06.13.00 Waiver

The following clause is a sample for use where no land is being acquired but may be damaged by reason of change of grade.

*"Edward L. Roberts, a single man, owner of _____ does hereby waive
(Description)*

any and all claim for compensation against the State of California for any and all damages in any way resulting to the said property by reason of the construction, maintenance and/or change of grade of _____ Street, provided the elevation of the proposed surface of the ground at the new street line fronting said property on _____ Street shall not exceed 0.7 feet below the present elevation of the ground thereat."

6.06.14.00 Deed Reservations for Irrigation Facilities

6.06.14.01 For Facilities 12 Inches in Diameter or Less and All High Pressure Lines

"Reserving, however, unto the grantor, grantor's successors and assigns, the right to install, replace, repair, remove and maintain a _____ irrigation pipeline transversely under the State highway at Engineer's Station _____. This underground facility shall be installed beneath the surface of the highway within a conduit to be constructed, owned and maintained by the grantee transversely across the State highway at Engineer's Station _____.

"The rights reserved by the grantor shall be subject to the following provisions:

- A. *The grantor's right to repair grantor's facilities existing within the State-owned right of way is*

limited to performing such maintenance and repair from outside the highway right of way. In no instance shall the grantor have the right to traverse or use the highway right of way for maintenance or repair of grantor's facilities without securing the issuance of a permit from the State, which approval shall not be unreasonably withheld."

6.06.14.02 For Low Pressure Facilities in Excess of 12 Inches in Diameter

"Reserving, however, unto the grantor, grantor's successors and assigns, the right to install, replace, repair, remove and maintain a _____ irrigation pipeline transversely under the State highway at Engineer's Station _____.

"The rights reserved by the grantor shall be subject to the following provisions:

- A. *The grantor's right to maintain and repair grantor's facilities existing within the State-owned right of way is limited to performing such maintenance and repair from outside the highway right of way. In no instance shall the grantor in the exercise of said rights traverse or use the highway right of way for maintenance or repair of grantor's facilities without securing the issuance of a permit from the State, which approval shall not be unreasonably withheld."*

6.07.00.00 - RESOLUTIONS OF NECESSITY

6.07.01.00 **General**

When the State is required to condemn property, condemnations must be authorized by a resolution of the CTC in accordance with the S&H Code and as required by various sections of the CCP.

6.07.02.00 **Preparation**

Districts are required to prepare and forward to the Division maps and descriptions for each parcel together with the type of title or interests and other rights to be condemned.

Section 1250.310 of the CCP requires that maps showing the location, general route and termini be attached to the complaint. This same map is attached to Resolutions Of Necessity.

Requirements for the Resolution Of Necessity Maps are shown in Exhibit 6-1(F).

6.07.02.01 **Preamble**

The preamble of the resolution is prepared in the Division. Various types of title or interests in property being condemned can be covered in one standard Resolution Preamble as follows. Exceptions requiring a reference to the CCP will be requested by the Condemnation Agent.

Resolved by the California Transportation Commission after notice (and hearing) pursuant to CCP Section 1245.235 that it finds and determines and hereby declares that:

The hereinafter described real property is necessary for State highway purposes and is to be acquired by eminent domain pursuant to Streets and Highways Code Section 102 (and Code of Civil Procedure Section ___ in that Parcel _____). The public interest and necessity require the proposed public project, namely, a State highway, declared a freeway by resolution of the California Transportation Commission.

The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

The property sought to be acquired and described by this resolution is necessary for the public project; and be it further

RESOLVED by this Commission that the Department of Transportation be and said Department is hereby authorized and empowered;

To acquire, in the name of the People of the State of California, in fee simple absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter described real property, or interests in real property, by condemnation proceeding or proceedings in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure and of the Constitution of California relating to eminent domain.

The real property or interests in real property, which the Department of Transportation is by this resolution authorized to acquire, are situated in the County of _____, State of California, Highway _____ and described as follows:

6.07.02.02 **Legal Descriptions**

Condemnation descriptions are written following the same rules of description writing applicable for grant deeds or other types of conveyance documents. Generally, descriptions for total acquisitions are the same as the record description of the parcel contained in preliminary title reports. Descriptions of partial acquisitions are generally the same as descriptions contained in grant deeds, except where underlying fee is to be separated into separate subparcels (see Section 6.07.02.04).

In condemnation descriptions involving excess, the excess must be described and mapped separately from the portion lying inside the right of way. The condemnation description is not to be followed by a statement of area.

In some cases different interests, such as drainage or slope easements, are to be condemned together with fee title for the highway itself when condemned from the same ownership. In such situations, it is advantageous from a trial standpoint to designate each subparcel with the same numerical parcel number, distinguishing one from the other by alpha suffix, such as Parcel 1A for the highway parcel and 1B, 1C, etc., for the other interests involved. In cases of this type, describe Parcel 1B, 1C, etc., making tie references to parcel 1A.

The original and five copies of the condemnation description of 8-1/2" x 11" size must be furnished. Six sets are necessary if the parcel lies in two counties or if the request is to be a joint condemnation with another State agency.

NOTE: Districts may use Appraisal Parcel Numbers for condemnation purposes providing they have obtained written approval of the Legal Division.

6.07.02.03 Type of Title or Interest

In submitting condemnation descriptions to the Division for CTC action, if other than fee title is to be acquired, incorporate in the description of each such parcel the type of title or interest therein to be condemned. This procedure of describing interests to be acquired, when other than fee title is to be condemned, as part of the description of the parcel, lends itself very readily to acquiring various rights in one resolution without the necessity of special recitals in the title sheet of the resolution.

Examples of fee and other title will be described as follows:

Parcel 1: For State highway purposes, that portion of _____, described as follows:

(Description of Parcel)

NOTE: The example above will be used even if the parcel is for a connecting road. No access rights are to be extinguished.

Parcel 2: An easement for State highway purposes in and to that portion of _____, described as follows:

(Description of Parcel)

Parcel 3: An easement for drainage ditch purposes in and to that portion of _____, described as follows:

(Description of Parcel)

Parcel 4: For freeway purposes that portion of _____, described as follows:

(Description of Parcel)

NOTE: This example will be used even though the parcel is partly for freeway, partly for connecting road and partly for frontage road purposes.

Parcel 5: For freeway purposes that real property, described as follows:

(Description of parcel, being an entire ownership, lying entirely within the right of way, or a description of that part within and a description of that part outside the right of way as excess property.)

NOTE: No mention is to be made in any part of the description of Streets and Highways Code Section 104.1.

Parcel 6: For freeway purposes, the extinguishment of all easement of access in and to _____ (street or highway) appurtenant to the following described property, over and across _____.

(Description of Parcel)

Parcel 7: An easement for the purposes of a railroad detour over a temporary roadbed upon, over and across a portion of _____, described as follows:

(Description of Parcel)

Parcel 8: An easement for irrigation ditch purposes in and to that portion of _____, described as follows:

(Description of Parcel)

Parcel 9: A fee simple estate for irrigation facilities in and to that portion of _____, described as follows:

(Description of Parcel)

Parcel 10: A fee simple estate for a maintenance station site (or for a District Office site or for material site purposes) in and to that portion of _____, described as follows:

(Description of Parcel)

NOTE: Special resolutions are required for Parcels 8., 9., and 10. illustrated above.

6.07.02.04 Underlying Fee

It is not necessary to condemn the underlying fee in cases where the State has good easement title to a public way or will acquire good easement title under Sections 83 and 233 of the S&H Code. However, it is the policy of the State to avoid creating isolated islands of underlying fee within _____ State _____ highway _____ right

of way. For that reason, appurtenant underlying fee will generally be acquired along with the State's requirements. In many cases it will not be necessary to describe the underlying fee, as it will automatically pass with the abutting property. In those cases where it is necessary to describe the underlying fee it will be described separately and a separate alpha-suffix will be assigned to the parcel number.

NOTE: In cases involving property of substantial value and in cases requiring extensive survey cost to prepare a separate description, prior discussion with the Legal Division is necessary regarding the procedure to follow.

6.08.00.00 - STANDARD CLAUSES FOR FREEWAY CONDEMNATION

6.08.01.00 **Classification of Clauses**

For the purpose of extinguishing access rights with or without additional land a "CF" series of clauses known as the "CF", "CFO" and "CFNL" clauses have been devised. Other clauses have also been devised for specific circumstances and are shown under their own Sections.

These clauses are used when widening an existing highway or in converting existing highways into freeways or expressways and for the purpose of showing the nonexistence of access rights in acquiring land where no abutter's rights exist, such as a freeway on a new alignment. These clauses are for general usage and must be checked for conformance with each particular situation. Prior approval from the Division to modify them to conform to special situations may be necessary.

The (Alpha designation) following each clause refers to the example on Exhibit 6-4, "Condemnation Parcel Freeway Situation Requiring Access Clauses".

6.08.02.00 **"CF" Series**

The "CF" clauses extinguish the abutting owner's rights of access to or from the freeway.

6.08.02.01 **CF-1 Condemnation and Extinguishment of Existing Access Rights or Condemnation Where No Access Rights Exist**

The comprehensive access clause "Lands abutting said freeway shall have no right or easement of access thereto." shown in clause A.1. below, will be used where access rights do exist, such as in widening an existing highway by a partial acquisition of the abutting property.

In some cases, it will be used for constructive notice purposes where access rights do not exist, such as a partial acquisition on a new alignment.

A. *"Parcel 1: For freeway purposes, that portion of _____, described as follows:*

(Description of Parcel)

1. *Lands abutting said freeway shall have no right or easement of access thereto." (A)*

NOTE: In all cases the words "said freeway" means only the land lying within the described boundaries and no more.

If access rights are to be extinguished along only a portion of the highway frontage, delete the period after "thereto" in A.1. above and add a phrase such as the following:

2. *"except over and across the above described 20-foot course, the center of which said access opening lies westerly of and opposite Engineer's Station 10+50 of said survey." (B)*

NOTE: By excepting certain lines from the above access restriction clause, the access the owner is to have is described in a positive manner.

In the case of an adjoining cross street at the same elevation as the freeway, which cross street is not to be closed, nothing further than the comprehensive access clause is necessary. The same is true if the cross road and freeway are to be at different elevations.

In the case of an adjoining cross street at the same elevation as the freeway, which cross street is to be closed and will not connect into the proposed freeway, the comprehensive access clause stated above would be preceded by a qualifying clause such as follows:

3. *"Together with the extinguishment of all easements of Access appurtenant to the remaining lands on and over Carson Street, resulting from the closing of Carson Street at the freeway along the northerly prolongations of the easterly and westerly lines of the above described 200-foot strip of land across said Carson Street. Lands abutting said freeway shall have no right or easement of access thereto." (C)*

B. If fee title is to be acquired in the adjoining public road but it is not to be closed, it would be described separately such as:

1. *"Parcel 1-B: For State highway purposes, that portion of said Carson Street described as follows: (D)*

(Description of Parcel)"

If fee title is to be acquired in the adjoining public road and it is to be closed, it would be described separately such as:

2. *"Parcel 1-B: For freeway purposes, that portion of Carson Street described as follows: (E)*

(Description of Parcel)"

In either case, Parcel 1 would then be designated Parcel 1-A.

NOTE: If the adjoining cross street is to be closed, the comprehensive clause to extinguish existing access rights should not be added to the description of the road parcel because the public road parcel, without the extinguishment of access, has only nominal value. If extinguishment of access is included with the road parcel, it would prevent the court from so instructing the jury.

6.08.02.02 CF-2 Condemnation and Extinguishment of Access Rights; Extinguishment of Access Rights Along Side Line of Existing Longitudinal or Cross Road or Street Beyond Parcel; Condemnation Where No Access Rights Exist

If in addition to acquiring land for a freeway where access rights do exist (such as in widening an existing highway, except along property lines) or where access rights do not exist (such as a highway on a new alignment), and it is necessary with a particular parcel to extinguish existing access rights over a portion of the boundary of an existing longitudinal or cross road or street, which portions are beyond the limits of the land to be acquired, a clause to extinguish access to such longitudinal or cross street or road will be used. Such clause will precede the comprehensive access clause (See C.1.).

Examples of this are:

"Parcel 6: For freeway purposes that portion of _____, described as follows:

(Description of Parcel)"

A clause for access over existing longitudinal road boundary line which is to be a boundary of the freeway:

- A. *"Together with the extinguishment of all easements of access appurtenant to the remaining lands in and to said Pico Avenue (the avenue would be mentioned in the above description) over and across that portion of the easterly line of said Pico Avenue extending northerly from the most northerly corner of the above described Parcel 6 to the northerly line of said remaining lands." (F)*

A clause for access over existing cross road or street boundary line beyond freeway boundary:

- B. *"Together with the extinguishment of all easements of access appurtenant to that portion of the owner's remaining property which lies easterly of the above described Parcel 6 in and to said Walnut Road (the cross road or street would be mentioned in the above description) over and across that portion of the northerly line of said Walnut Road which extends easterly 200 feet from the southerly terminus of the above described course (7)." (G)*

In either of the above cases, the standard comprehensive access clause would follow:

- C. 1. *"Lands abutting said freeway shall have no right or easement of access thereto."*

If access rights are to be allowed across part of the freeway parcel boundaries or across part of the highway or cross road or street frontage or side lines, delete the period after "thereto" and add a phrase such as follows:

2. *"except over and across courses (2) and (3) and the westerly 10 feet of course (4) hereinabove described."*

(In this case, courses in the metes and bounds description of the parcel would be previously numbered.) (H)

For a very irregular parcel with access to be allowed across several lines, a phrase such as follows could be used:

3. *"except over and across the outhery 30.00 feet of the northerly 81.06 feet of the course described above as N. 45° 38' E., 305.20 feet, and over and across the northerly 15.00 feet of the course described above as N. 44° 28' E., 627.50 feet. The centers of said access openings lie easterly at right angles, respectively opposite Engineer's Stations 18+67.82 and 25+50 of said survey."*

NOTE: By excepting certain lines from the above access restriction clause, the access the owner is to have is described in a positive manner.

6.08.03.00 "CFO" Series

The "CFO" clauses are for freeways having a frontage road. They extinguish all appurtenant abutter's access rights only to the main thoroughfare of the freeway.

6.08.03.01 CFO-1 Condemnation for Freeway and Frontage Road

"Parcel 10: For freeway purposes, that portion of _____, described as follows:

(Description of Parcel--NOTE: The frontage road area is a part of the described parcel.)"

- A. *"Lands abutting said freeway shall have no right or easement of access thereto; provided, however, that part of the remaining lands which lies _____ of said parcel shall abut upon and have access to an adjoining frontage road which will be connected to the main thoroughfare of the freeway only at such points as may be established by public authority."* (I)

If remaining lands lie on only one side of the freeway, delete the words *"which lies _____ of said parcel"* of the above description.

If access to the frontage road is to be restricted or limited to a certain portion of the frontage road frontage, insert after the words "have access" in the above clause, the following:

- B. *" , as hereinafter provided,"*

and then add a description of the permitted access at the end of the clause such as the following:

"The said right of access to said frontage road is hereby expressly limited to Courses (2), (3) and (4) described above,"

or

"The said right of access to said frontage road is hereby expressly limited to the northerly 301.36 feet of the above-described course having a length of 639.41 feet." (J)

NOTE: Any other appropriate description specifically defining limits of access rights will be satisfactory.

If the frontage road is not to be connected to the freeway at any point, but is to be connected to a road or street which passes over or under the freeway, substitute in the above the road or street name to which the connection will be made, such as *"to Long Beach Boulevard only at such points as may be established by public authority."*

6.08.03.02 CFO-2 Condemnation for Freeway; Remainder to Abut on End of Stub Frontage Road

A special condition of abutting on a frontage road frequently occurs. It is the case of remaining property which abuts on the end, rather than along the side, of a stub frontage road. The access clause needs to state the provision that is made for the remainder to have access to the freeway along a stub frontage road which has been acquired from an adjoining owner as a part of the state highway right of way.

"Parcel 11: For freeway purposes, that portion of _____, described as follows:

(Description of Parcel)

"Lands abutting said freeway shall have no right or easement of access thereto; provided, however, that the remaining lands shall abut upon and have access to a frontage road over a 30-foot length of the northerly line of said remaining portion, which said 30 feet extends easterly from the easterly line of said parcel." (K)

**6.08.03.03 CFO-3 Condemnation for Freeway;
Remainder to Have Access Above or
Beneath Freeway to Existing Adjoining
Longitudinal Street or Road**

"Parcel 12: For freeway purposes, that portion of _____, described as follows:

(Description of Parcel)

"Lands abutting said freeway shall have no right or easement of access thereto; provided, however, that the remaining lands shall have access to Cahuenga Boulevard, a city street, by passage under said freeway approximately at said Engineer's Station 100+00 with no right of access to the surface of the traveled way on said freeway." (L)

NOTE: A location approximately at which the access is to be allowed above or beneath the freeway is necessary.

6.08.04.00 "CFNL" Series

The "CFNL" clauses extinguish all abutter's access rights without acquiring any land.

**6.08.04.01 CFNL-1 Condemnation of Access
Rights Only**

A. *"Parcel 1: For freeway purposes, the extinguishment of all easement of access in and to _____ Street (or highway), appurtenant to Lot 6 of Tract 111, as per map recorded in Book 35, Page 16 of Miscellaneous Maps, records of _____ County over and across the east line of said Lot 6." (M)*

If land to which access rights are appurtenant cannot be briefly described as shown above, the description should be rearranged in a manner such as follows:

B. *"Parcel 1: For freeway purposes, the extinguishment of all easement of access in and to _____ Street, appurtenant to the following described property, over and across that portion of the westerly line of said _____ Street described as follow:*

Description of the portion of the westerly line of the street)

"The said property to which said easement of access is appurtenant is described as follows:

(Description of the adjoining land to which the abutter's rights are appurtenant)"

**6.08.05.00 For Temporary Access and for
Temporary Purposes Due to Highway
Construction**

The following three Sections illustrate condemnation clause methods of reserving temporary access to owners and of acquiring easements for temporary purposes due to highway construction. They would be used only infrequently and in cases where the completion date of the ultimate construction is not definitely fixed. Other cases for allowing temporary access or for acquiring temporary highway interests in property will not differ greatly from the clauses given.

**6.08.05.01 Frontage Road Construction
Deferment Clause**

"The construction of said frontage road may be deferred for an indefinite period of time. Until such frontage road is constructed, said remaining property lying west of the above-described parcel shall have access to the nearest roadway of said freeway; provided, that all rights of access along said west side of said freeway shall cease and terminate when said frontage road is constructed and said remaining property shall then abut upon and have access to said frontage road which will be connected to the main thoroughfare of said freeway only at such points as may be established by public authority."

**6.08.05.02 Vehicular Separation Construction
Deferment Clause**

"Reserving unto owners of abutting lands, their successors or assigns, the right of access to a temporary crossing of said freeway, at grade, to the county road known as Los Positas Road, at Engineer's Station 681+50 on said center line, until such time as the construction of a vehicular grade separation at or about Engineer's Station 694+00 of said survey, for the purpose of a crossing over said freeway, at which time the temporary crossing at grade shall be closed and such rights permitting access to said temporary crossing shall cease and terminate in the same manner as if never made."

6.08.05.03 Temporary Railroad Detour Easement

"The above-described parcel is to be used as a right of way for a railroad detour pending construction of a bridge separating the grades of the said San Diego and Arizona Eastern Railway and the State highway at said F Street, and the rights to be acquired therein shall cease and terminate on completion of said grade separation and in any event shall cease and terminate not later than December 31, 1962."

6.08.06.00 Access for Livestock Across Freeway Through Cattle Pass; Livestock and Agricultural Equipment Access Under Bridge; Maintenance is Owner's Obligation

"Also excepting and reserving, unto the owners of abutting lands, their successors or assigns, the privilege of moving livestock across and beneath said freeway through a drainage and cattle pass structure to be constructed under the roadbed of said freeway at approximately Engineer's Station "B" 634+82 of the base line of the hereinabove described survey; also, the privilege of moving livestock, equipment, machinery and vehicles for agricultural purposes across and beneath said freeway at a bridge to be constructed across Dry Creek at approximately Engineer's Station "B" 682+17 of the base line of said survey; provided that such privilege shall not be exercised at the surface of said freeway, or by means other than the hereinabove described structure, or for any other purpose, and that such privilege shall cease and terminate upon the discontinuance of the use of the abutting lands for agricultural purposes; provided, further, that any maintenance of said crossings required by reason of the use thereof for purposes of the owners of abutting lands shall be the obligation of said owners of abutting lands."

6.08.07.00 Condemnation Improvement Clauses

6.08.07.01 Condemnation Improvement Removal Clause

"Together with all of the existing improvements which are located partially within and partially outside the boundaries of the above-described parcel, together with the right and easement to enter upon the owner's remaining land outside the boundaries of said parcel at any time within 120 days after the date possession is authorized as indicated in the order for possession, or within 120 days after Final Judgment in Condemnation, for the purpose of removing all of the said existing improvements."

6.08.07.02 Condemnation Improvement Severance Clause

"Together with the right and easement to enter upon the remaining portion of owner's land for the purpose of severing and removing the portions of improvements which lies within the above-described parcel and for the purpose of constructing and maintaining and shoring, braces, foundations or walls necessary to support the remaining improvements on said remaining portion of said owner's land after severing and removing therefrom the improvements lying within the above-described parcel, at any time within 120 days after the date possession is authorized as indicated in the order for possession, or within 120 days after Final Judgment in Condemnation for the above-enumerated purposes."

6.09.00.00 - FEDERAL LANDS

6.09.01.00 Map Application for Public Federal Lands

Map applications for public Federal lands are used to secure rights of way, material sites or other transportation interests in Federal lands covered in the Federal Highway Act of August 27, 1958 (23 USC 107(d) and/or 23 USC 317). The major classifications of land involved are unpatented public lands, National Forest lands, Indian lands and surplus U.S. lands.

Tracings in duplicate showing public land required for rights of way or material sites shall be prepared in the District and submitted to the Division. For all Federal map requirements, see Exhibit 6-1(G).

6.09.01.01 Congressional Grant of Right of Way for Highways (Unpatented Public Lands)

The "Federal Land Policy And Management Act Of 1976" (90 Stat. 2743; 43 U.S.C. 1701) provides that right of way for construction of highways over public lands not reserved for public use is granted. This act should be used only on nonfederal aid routes.

The District shall file the approved map with the County Recorder with one print to the local Bureau Of Land Management Land Office. Two prints of the map, containing recording data, shall be submitted to the Division for filing in the general map archives.

6.09.01.02 National Forest Lands

Metes and bounds descriptions are not required in this appropriation procedure. Maps must contain sufficient information to facilitate an accurate survey of the parcel on the ground. Since maps are used in lieu of legal descriptions, they must be prepared in a manner which will provide for transfer of title.

6.09.01.03 Surplus U.S. Lands

The District shall submit the original and 2 copies of typed metes and bounds description of the parcel or parcels required. The description is to be set up on plain legal-size paper and must include appropriate access clauses, area (acreage) and the parcel number or numbers as shown on the map. If available, both the maps and typed descriptions should contain a deed reference setting forth the source of title to the

Federal agency exercising supervision and control of the lands together with the total acreage originally acquired by that agency.

6.09.01.04 Indian Lands

Requirements for the maps are shown in Exhibit 6-1(G).

6.09.02.00 Reversion of Excess or Superseded Portions of Right of Way Over U.S. Lands

Reversion shall commence by the District's preparation of a metes and bounds, or other adequate legal description of the area, or areas, together with a resolution of vacation, to revert to Bureau Of Land Management jurisdiction. The description and resolution are to be submitted to the Division for CTC action in accordance with established vacation procedure.

Following CTC approval of the vacation, the District shall prepare and submit to the Division duplicate tracings, essentially the same as those prepared for original acquisition of the right of way. Right of way and access rights to be retained should be clearly delineated on these maps and identified as such, i.e.:

"Right of way and access rights acquired under Bureau Of Land Management Decision _____ dated _____; TO BE RETAINED."

Excess or superseded right of way which is to be permitted to revert should also be clearly delineated, preferably shaded, and designated as:

"Portion of right of way obtained under Bureau Of Land Management Decision _____ dated _____ no longer required for State highway purposes and to revert to former status."

6.09.03.00 Filing Application Maps

Easement deeds obtained as the result of filing map applications will make reference to the maps, i.e., "Exhibit A". Thus the maps are part of the deed.

To record prepared maps along with the deed would require reducing them in size to the point where they may become illegible. To avoid this problem, file the maps in the State Highway Map Book. Then put an addendum sheet in the deed, before recording,

which makes reference to the pages of the map filed in the appropriate State Highway Map Book.

The alternative would be to prepare the 22" x 34" size map to sufficient detail with appropriate size lettering that when reduced to legal size it is still readable. This way the map could be made a part of the easement deed and recorded along with it.

6.10.00.00 - STATE LANDS

6.10.01.00 General

6.10.01.01 Map Application for State Sovereign Lands

The purpose of map application for State Sovereign Lands is for obtaining CALTRANS approval to cross non-CALTRANS State-owned land for highway construction purposes. Requirements for the map are shown in Exhibit 6-1(H).

State Lands provides a Public Agency Permit for highway purposes across any interest they may have that lies within the right of way requirements as shown on the entire map. This revision leaves the State Lands Commission uncommitted to the boundary locations of State Lands ownership or interest as shown on the approved Application Map.

6.10.01.02 Map Application for Vacant State School Lands

Maps prepared by the District shall contain sufficient information necessary for appraisal analysis, identification and documentation. Generally, such maps should conform to appraisal map requirements. Requirements for the map are shown in Exhibit 6-1(H).

6.10.01.03 Transfer of Land Between State Agencies

Government Code Section 14673 provides that control or possession of land owned by the State may be transferred from one State agency to another State agency with written approval of the Director Of General Services.

The instrument to be used, "Agreement For The Transfer Of Control And Possession Of Land Owned By The State For Highway Purposes", functions both as contract and deed. This instrument must contain all terms of the transaction together with a complete and accurate description of property being transferred. Descriptions follow the same rules of description writing as are used in preparation of grant deeds or other types of acquisition documents.

Maps to be attached should contain the same data as Director's Deed maps (see Section 6.13).

6.11.00.00 - VACATION

6.11.01.00 General

A vacation is an action by the CTC by which the public right of use is removed from State highway right of way held as an easement. The easement is removed from the title of the underlying fee owner by vacation procedures described in the following Sections. If right of way is held in fee, the land should be disposed of as described in Section 6.13.

An alternative method of disposing of easement areas would be by Director's Deed pursuant to Section 118 of the S&H Code. Generally, determination will be based on cost effectiveness. If determination is to dispose by Director's Deed, the area should be given a ten-digit excess land parcel number and disposed of in the usual manner. If this procedure is used, Sections 8330.5, 8313, and 2381 of the Code need not be considered.

6.11.02.00 Local Agency Consent

Section 8330.5 of the S&H Code requires that a superseded highway or portion thereof to be vacated, must first be offered for relinquishment to the local agency. Section 8313 requires that a vacation should not conflict with the local master plan in effect for the area. Section 2381 requires that highway right of way shall not be vacated until the local agency has indicated it does not need the right of way for nonmotorized transportation facilities.

All vacations shall be offered to local agencies using the sample letter shown in Exhibit 6-6, which explains provisions of each Section of the Code in detail. A statement may be added to the letter that refers to a R/W contract if it predates Section 2381, which was the first of the above three sections added to the Code on September 30, 1975. A second letter should be sent to the local agency, certified mail return receipt requested, if no reply is received within 90 days of the first letter.

NOTE: If local agencies persist in non replies in your District, use certified mail return receipt requested for the first letter.

It is the policy of the Division that a R/W contract signed prior to September 30, 1975 providing for vacation of superseded State highway to the grantor does not preclude compliance with Sections 8313 and of the Code. Any local agency with plans to use the area proposed for vacation will be referred back to CALTRANS Legal for final disposition. That portion of a R/W contract providing for vacation that is signed

after this date is invalid unless consent of the local agency has already been obtained.

Local agency clearance is not required for vacation of highway right of way across Federal lands.

6.11.03.00 Status of Vacations

The District shall prepare and maintain a complete vacation status. The status shall be kept current and contain sufficient information to depict without undue investigation the latest completed step in the vacation process. The status shall also give reasons for any delay in completing the process on schedule.

Vacations shall be entered on the status not later than 30 days after award of a construction contract for a project that contains highway right of way requiring vacation.

Vacations that are a result of policy change but that are not connected with new construction projects, shall be entered on the vacation status within 90 days of the issuance of the policy change.

Highway right of way requiring vacation by reason of right of way requirement changes not connected with new construction projects shall be entered on the vacation status at the time right of way changes are completed on R/W Record Maps.

6.11.04.00 Legal Description

Descriptions of superseded State highway right of way may be described in general terms sufficient to identify the portion of such highway right of way being vacated, provided definite terminal limits are described. Where the superseded highway is adjacent to the new State highway, the common boundary between right of way to be vacated and right of way to be retained is also described or defined by some recorded references or by an actual description of said line.

CALTRANS may, in accordance with Section 128 of the S&H Code, file vacation maps in State Highway Map Books and then vacate by reference to the filed maps. Filed maps must contain the same basic information required above when vacation is entirely by description. Requirements for the maps are

shown in Exhibit 6-1(I).

6.11.04.01 **Utility Reservations**

Whenever facilities belonging to utility owners are within the area to be vacated, Districts will advise the owners and determine whether they wish utility reservations as provided in Sections 8340 and 8341 of the S&H Code. If owners desire reservations, a clause should be included in the vacation description.

Reservations shall include the identities of affected utility owners in all cases. A separate reservation clause for each affected utility company shall be included in the description as follows:

"EXCEPTING AND RESERVING to the (name of owner, e.g., Pacific Telephone and Telegraph Co.) any easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge the existing public utility facilities, namely, (insert description of the facilities with as much specificity as possible, e.g., underground telephone lines) and facilities incidental thereto, including access to protect the property from all hazards, in, upon, and over the highway herewith vacated."

Care should be exercised in using this clause when the vacation is over Federal lands. If the Department acquired a highway easement from a Federal agency, it is possible that the vacation must be completely vacated upon cessation of highway use. In this case, and upon proper application by the utility company, the Federal agency will grant them the necessary right of way.

6.11.04.02 **Access Restrictions**

If access is to be restricted between the vacated road and an adjacent State freeway, the following clause is to be added at the end of the description:

"EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the highway hereby vacated in and to the adjacent and adjoining freeway, except at such points as now are or may be established by resolution of this Commission."

6.11.05.00 **Scheduling Requests for Resolutions**

The District Director shall appoint staff with the duty of preparing requests for all vacation resolutions. Each request shall be assigned a request number. This number shall be the basic reference

when communicating with the Division regarding a specific resolution.

In order to prevent premature CTC action on vacations, the Division will clear with the District prior to scheduling specific requests on the CTC's agenda.

6.11.06.00 **Preparation of Requests**

The request for vacation resolution by the CTC shall be prepared and submitted to the Chief, DORW, Attention: R/W Engineer, with the personal recommendation of the District Director. The request shall contain the following information:

- A. County, route and post miles.
- B. Give name of local agency where vacation is located.
- C. Location of proposed vacation by descriptive limits. An example would be to reference the beginning and end points to the nearest existing definable point on the ground, such as a road, street, river or county line. A specific tie to a city limit should never be used because they are subject to frequent change.
- D. Contract number, project limits, and date of acceptance or anticipated completion date of related construction project.
- E. Manner in which the State acquired title to segments to be vacated.
- F. State that no property owner will be cut off from access by reason of the vacation.
- G. If this vacation is a R/W contractual obligation, attach a copy of the R/W contract.
- H. If action involves a railroad grade crossing or separation, give the PUC decision number by which consent was given.
- I. If a utility reservation is necessary, include the reservation needed in the description and list the name of the utility owner.
- J. State whether or not access rights are to be reserved and give details.

- K. State if the superseded road can be used for stock trail purposes and the District's recommendations thereto.
- L. State if portions of the superseded road are needed for maintenance stockpile areas.
- M. Special conditions or remarks, including a statement, if applicable, advising the Division if any or all of the proposed vacation is within forest lands.
- N. This vacation complies with Sections 2381, 8313, and 8330.5 of the S&H Code. This statement is used by the Division when preparing agenda letters recommending approval of vacation resolutions by the CTC.

NOTE: Mileage of highway proposed to be vacated need not be submitted.

Enclosures for the above request letter shall include:

- A.
 - 1. Two sets of the legal description of right of way to be vacated--an original typewritten description and one copy. Vacation descriptions shall be submitted, double-spaced, on 8-1/2" x 11" bond with 1-1/2" margin at the top and 1" margin at the bottom and sides, except the last page shall have a 3" minimum margin at the bottom.

Descriptions should include a utility reservation clause and access clause if applicable.
 - 2. A copy of the letter from CALTRANS to the local agency regarding Sections 2381, 8313 and 8330.5 and a copy of the letter from the local agency affected, stating it has no objection to the vacation. In the absence of a letter from the local agency, a copy of both sides of the certified mail return receipt showing proof of a second attempt to notify the local agency is sufficient.
- B. Maps to be included as follows:
 - 1. Two (2) sets of maps when using metes and bounds descriptions.

- 2. Two sets of unrecorded maps when using descriptions referring to recorded vacation maps.

After Division approval of the unrecorded maps, the District will be requested to record the maps in the State Highway Map Book and subsequently forward two sets to the Division.

NOTE: 1. When bearings and distances used on maps or in descriptions are on the State plane coordinate system, identify the datum as either the 1927 or the 1983 system and state the zone.

- 2. The person responsible for preparing the maps or descriptions should place their name, seal and date their license expires on the description or on each title sheet for the vacation map.

6.11.07.00

Recordation of Vacations

The District, upon receipt of certified copies of the CTC's resolution authorizing the vacation of a superseded highway right of way, shall file a certified copy with the Board Of Supervisors and record a certified copy of the resolution with the County Recorder in the county in which the superseded right of way is located. Upon such recordation the vacation is complete.

When the vacation has been recorded, the District will advise the Division by facsimile, giving full recordation data. The District shall subsequently submit a memorandum to the Division for filing that shows the recordation data and evidence that an entry was made on the District R/W Record Maps.

When processing has been completed, the District shall forward a copy of any vacation involving National Forest Lands to the local National Forest Representative. The District must request the Special Use Permit or Easement covering said vacation be canceled.

6.12.00.00 - RELINQUISHMENTS

6.12.01.00 Policy

It is the policy of CALTRANS to relinquish all interests in State highways deleted by legislative act, State highways superseded by relocation, and adjacent public ways which have been constructed as part of a highway project but are not essential to the proper functioning of the State highway facility.

Relinquishments are unnecessary for adjacent public ways improved as part of a State highway project if there was no additional acquisition of title. These adjacent public ways lie outside of our normal operating right of way. Section 83 of the S&H Code only provides for acquisition of title for any public street or highway lying within the normal boundaries of a State highway.

Relinquishment policy for projects financed solely from State funds is basically the same as for Federal Aid projects. Federal and State authorities have agreed to acceptable relinquishment procedures on all Federal Aid projects. The procedure is as follows:

- A. Sections of the State highway superseded by construction on a new location are usually relinquished to local authority for maintenance and operation. Certain rehabilitation, such as resurfacing, may be performed at State expense on such sections prior to relinquishment.

Under these circumstances, a section of highway superseded by construction of a new project, approved by the FHWA as the new location of the particular Federal Aid route, is not a part of the Federal Aid highway system and the superseded section may be disposed of without referral to the FHWA. Federal Aid funds may not participate in rehabilitation work performed for the purpose of placing the road to be relinquished in a condition acceptable to the local authority.

- B. In connection with freeway projects, adjustments to severed or intersected streets or roads requiring construction on local facilities, such as turnarounds at the ends of severed streets or roads adjacent to the freeway right of way, or adjustments in grade and alignment of roads or streets which cross over or under the freeway. Such reconstructed local facilities, including any new right of way required for adjustments, outside access control lines of the freeway are relinquished to local authorities for

maintenance and operation, except structures over or under the freeway within the State highway right of way lines are retained under State jurisdiction.

Under these circumstances the State obtains custody of the local facilities. Any new right of way required for adjustments, and only for the time necessary for performing the construction involved in the adjustments, never become a part of the State highway system or Federal Aid highway system. These local facilities may be allowed to revert to local custody without referral to the FHWA. Eligibility of such adjustments for Federal Aid participation is as determined at time of PS&E approval under policies of the FHWA.

- C. Frontage roads, or portions of frontage roads not necessary as extensions of freeway ramps to connect the freeway with the nearest crossroads or streets, are constructed generally parallel to and outside of the access control lines of the freeway. This permits access to private properties, and thus reduces or eliminates claims for severance damages by those whose access rights are affected by freeway construction. This also restores local travel circulation which has been disrupted by the severing or adjustment of local streets and roads. Such frontage roads, or portions thereof, are relinquished to the local authority for maintenance and operation.

Frontage roads constructed under these conditions are not a necessary part of the State highway system or the Federal Aid system and may be relinquished to local public authority without referral to the FHWA. Eligibility of such frontage roads for Federal Aid participation will be as determined at the time of PS&E approval under policies of the FHWA.

- D. Frontage roads, or portions of frontage roads outside access control lines of the freeway, are constructed to serve (in lieu of or in addition to the purposes outlined under C. above) as connections between ramps to or from the freeway and existing public roads or streets. In effect, this becomes part of the ramps, and are retained in the custody of the State for maintenance and operation. A frontage road, or portion of a frontage road,

which serves as an extension of a ramp from a freeway to a local public road or street, is necessary to the intended functioning of the Federal Aid freeway and may not be released from State jurisdiction without approval of the FHWA.

- E. Ramps are constructed to serve as connections for interchange of traffic between the freeway and local roads or streets. Ramps are generally within project access control lines for the full length except at the point of connection with the local road or street. Ramps are retained in the custody of the State for maintenance and operation.

All ramps constructed to serve for interchange of traffic between the freeway and local roads or streets are necessary for the intended functioning of the Federal Aid freeway and may not be released from State jurisdiction without approval of the FHWA.

The State may relinquish to local government jurisdictions, without referral to the FHWA, on a project-by-project basis items A., B. and C. above subject to the following conditions and understandings:

- F. Immediately following action by the CTC in approving relinquishment to local governmental jurisdiction of facilities in which there has been participation of Federal Aid funds, CALTRANS will furnish the FHWA Division Engineer, for record purposes, a copy of a suitable map, or maps, identified by the Federal Aid project number and the date of the CTC action, clearly delineating the facilities to be relinquished.
- G. If at any time after relinquishment the relinquished facility is required for proper operation of the Federal Aid freeway, CALTRANS will take immediate action to

restore such facility to State jurisdiction.

- H. If at any time a relinquished frontage road, or portion thereof, or any part of the right of way therefor, has been vacated by local governmental authority and a showing cannot be made that the vacated facility is no longer required as a public road, the FHWA may withhold Federal Aid highway funds due the State an amount equal to the Federal Aid participation in the vacated facility.
- I. In no case shall any relinquishment include any portion of the right of way within the access control lines as shown on the plans for a Federal Aid project approved by the FHWA without prior approval from the FHWA.
- J. There cannot be additional Federal Aid participation in future construction or reconstruction on any relinquished "off the Federal Aid system" facility as defined under items A., B. and C. above, unless the underlying reason for such future work is caused by future improvement of the associated Federal Aid highway.

6.12.02.00 Numbering

A relinquishment number is given to each continuous segment of legislative deletion, superseded State highway, or collateral facility proposed to be relinquished to a single local agency. A continuous segment includes all contiguous right of way, including slope and drainage easements, and is given a single number. Legislative deletions, superseded highway and collateral facilities are identified by separate numbers.

A collateral facility that is one continuous segment on the freeway agreement map will generally carry one segment number on the relinquishment maps.

Exceptions may be made in the above-numbering procedure when necessary to expedite the relinquishment process or to clarify unusual situations. Exceptions should be explained in the Relinquishment Request submitted to the Division.

6.12.03.00 Status of Relinquishments

The District shall prepare and maintain a complete relinquishment status. The status shall be kept current and contain sufficient information to depict

without undue investigation the latest completed step in the relinquishment process. The status shall also give reasons for any delay in completing the process on schedule.

The District shall furnish to the Division a current Relinquishment Status, monthly if available, but not less than quarterly.

Relinquishments shall be entered on the status not later than 30 days after award of a construction contract for a project that contains highway right of way requiring relinquishment.

Relinquishments as a result of policy change, but not connected with new construction projects, shall be entered on the relinquishment status within 90 days of issuance of the policy change.

Highway right of way requiring relinquishment by reason of right of way requirement changes not connected with new construction projects shall be entered on the relinquishment status at the time right of way changes are completed on R/W Record Maps.

6.12.04.00 FHWA Approval

FHWA approval of a proposed relinquishment is required when any portion of the proposed relinquished right of way lies within access control lines as shown on the plans for a Federal Aid project previously approved by the FHWA.

Project Development determines when access rights are no longer needed. They obtain necessary approvals for disposal from the FHWA. Access rights proposed to be relinquished should be brought to the attention of Project Development by R/W Engineering at the earliest practicable time. This will give Project Development adequate time to obtain FHWA approval and prevent delay in relinquishment processing. R/W Engineering relinquishment files should document the coordinating effort with Project Development.

Relinquishment requests submitted to the Division involving access rights no longer needed for freeway purposes will contain either a copy of the FHWA approval letter or a statement that Project Development has obtained FHWA approval.

6.12.05.00 Consent of Local Agency

Section 73 of the S&H Code, relating to relinquishments, authorizes relinquishment only in four situations:

A. Where a State highway has been deleted from the State highway system by legislative enactment.

B. When a State highway or portion thereof has been superseded by relocation.

C. Where frontage or service roads have been constructed as part of a State highway project but do not constitute a part of the main traveled roadway.

D. Any nonmotorized transportation facility, as defined in Section 156 of the Streets And Highways Code, that has been constructed as part of a State highway project and does not lie within the main traveled way.

In the first two situations, the relinquishment may be made without the consent of the local agency. In the third and fourth cases, the local agency's consent is required. Normally, this consent is given in an agreement, in a clause which provides for the local agency to accept control and maintenance over each of the "*...relocated or reconstructed city streets (or county roads), frontage roads and other State-constructed local roads...*" and "*...will also accept title to the portions of such roads lying outside the State highway limits upon relinquishment by the State.*"

6.12.05.01 Changes Subsequent to Agreement

When changes occur in the project after an agreement has been executed, an amendment to the original agreement is recommended. In the absence of an amended agreement, or in situations which are appropriate for relinquishment and are not covered by an agreement, a Resolution Of Acceptance or Letter Of Consent from the legislative body of the city or county shall be forwarded to the Division with the letter of transmittal requesting the relinquishment resolution.

6.12.06.00 Ramp Junction Limits

It is the policy of CALTRANS to acquire access rights and to protect such rights with appropriate fencing along interchange ramps to their junctions with the local road system. Details regarding this policy are stated in the Highway Design Manual.

It is the policy of CALTRANS that roads that have been constructed as parts of State highway projects, but which will become parts of the local road system upon relinquishment, to establish cutoff lines between ramps and roads to be relinquished along normal right of way lines of the local road system of which the roads will become a part. In most cases, cutoff lines will be between the ends of access control fences constructed to protect ramp access rights. Sound

engineering judgment must be used in the application of this policy. In no case may facilities which are essential to proper flow of traffic on freeways be relinquished. In cases of doubt, Project Development must be consulted.

6.12.07.00 Legal Description

The description of superseded State highway right of way may be described in general terms sufficient to identify the portion of such highway right of way being relinquished, provided definite terminal limits are described. Where the superseded highway is adjacent to the new State highway, the common boundary between right of way to be relinquished and right of way to be retained is also described or defined by some recorded references or by an actual description of said line.

CALTRANS may, in accordance with Section 128 of the S&H Code, file relinquishment maps in State Highway Map Books and then relinquish by reference to the filed maps. Filed maps must contain the same basic information required above when relinquishment is entirely by description. Requirements for the maps are shown in Exhibit 6-1.

6.12.07.01 Frontage Roads or Relocated Public Roads

In case of relinquishment of frontage roads or relocated public roads, which will constitute new public roads as distinguished from a superseded existing road, legal descriptions of the boundaries thereof must be used. This requirement may be fulfilled by giving either the correct center line description with right of way widths stated, metes and bounds description, or a description referring to maps filed in the State Highway Map Books. The reason for the distinction between frontage roads or relocated public roads, and superseded public roads, is the width and location of the superseded road can be determined by record. The construction of a frontage road or relocation of a public road to accommodate the new State highway has created a new road or roads that did not exist prior to construction.

6.12.07.02 Excess Land

It is the policy of CALTRANS to dispose of excess land by Director's Deed. The relinquishment statutes apply only to the conveyance of highway right of way.

Therefore, care should be taken that relinquishment descriptions do not include any land outside the highway right of way lines. Only small portions of land that are unsaleable or of nominal value that have been included within the right of way lines may be relinquished as part of the highway right of way.

If there is excess land along the route of a proposed relinquishment, the relinquishment maps and descriptions must clearly show by exception or exclusion the excess land is not a part of the relinquishment.

6.12.07.03 Access Restrictions

Access is not to be reserved to the State on lines between private property and the road to be relinquished.

If access is to be restricted between the relinquished road and an adjacent State freeway, the following clause is to be added at the end of the description:

"EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the highway hereby relinquished in and to the adjacent and adjoining freeway, except at such points as now are or may be established by resolution of this Commission."

6.12.08.00 Scheduling Relinquishment Resolutions

The District Director shall appoint staff with the duty of preparing requests for all relinquishment resolutions. Each request shall be assigned a request number. This number shall be the basic reference when communicating with the Division regarding a specific resolution.

In order to prevent premature CTC action on relinquishments, the Division will clear with the District prior to scheduling specific requests on the CTC's agenda.

Relinquishment requests are to be forwarded to the Division at least four months prior to completion of construction. This is necessary to permit presentation of the resolution to the CTC immediately after the project is completed.

Where counties and cities object to receiving the 90-day notice prior to completion of construction, the

District should notify the Division to delay issuance of the Notice To Relinquish.

Submittal of relinquishment requests to the Division for freeway collateral facilities are not to be delayed in the District pending proposed freeway planting contracts. Where planting contracts will affect relinquishment, the District shall enter into a cooperative agreement at an early enough date so the agreement will be executed prior to completion of the construction contract. Any difficulty in securing a cooperative agreement that will delay relinquishment of the collateral facilities is to be referred to the Division, R/W Engineering Branch, with full details.

6.12.09.00 Preparation of Requests

The request for relinquishment resolution by the CTC shall be prepared and submitted to the Chief, DORW, Attention: R/W Engineer, with the personal recommendation of the District Director. The request shall contain the following information:

- A. County, route and post miles.
- B. Give name of local agency where relinquishment is located.
- C. Location of proposed relinquishment by descriptive limits. An example would be to reference the beginning and end points to the nearest existing definable point on the ground, such as a road, street, river or county line. A specific tie to a city limit should never be used because they are subject to frequent change.
- D. Contract number, project limits and date of acceptance or anticipated completion date of relocated construction project.
- E. Federal Aid number, if applicable and a statement that the relinquishment complies with 23 CFR 620.203(i).
- F. Freeway agreement date and/or a copy of the city or county resolution of acceptance when not covered by freeway agreement.
- G. Type of relinquishment.
 - 1. Deleted by legislative action.
 - 2. Superseded State highway.
 - 3. Frontage roads or collateral facilities.
 - 4. Reconstructed city streets or county roads.
 - 5. Other.

- H. State that all right of way has been acquired and that fee and/or easement title vests in the State.
- I. State whether or not access rights are to be reserved and give details.
- J. If frontage roads, service roads or outer highways are under the minimum width of 40 feet and are not shown in the freeway agreement, furnish the Resolution of Acceptance or Letter of Consent by the local authority.
- K. Give state of repair of roadways to be relinquished in accordance with Section 73 of the S&H Code.
- L. State whether the proposed relinquishment has been reviewed with the local agency within the past year. If a protest is probable, this should be stated in the request reporting the kind of protest and action to be taken.
- M. State if the superseded road can be used for stock trail purposes and District's recommendation thereto.
- N. If all locations of the proposed relinquishment do not conform to the approved plans, deviations and reasons therefor should be listed. If no deviations exist, this fact should be stated. Discrepancies relating to access control should be fully justified.
- O. Explanation of any special conditions, including, if applicable, a statement advising the Division if any or all of the proposed relinquishment is within forest land.
- P. If action involves a railroad grade crossing or separation, give the PUC decision number by which consent was given.
- Q. Mileage of highway proposed to be relinquished to counties will be submitted

in a tabulated form with the relinquishment request letter. Mileage will be noted for superseded highway, frontage roads, and connecting road type parcels (see sample tabulation below). Mileage should not be shown in the description or on the maps. Mileage need not be shown for parcels which contain only cul-de-sacs, alleys or reconstructed county roads. In cases where frontage roads and reconstructed local roads are combined as one parcel, show mileage for the frontage road portion only and note it "mileage added."

SAMPLE TABULATION
Relinquishment Mileage
County Miles Added

Connecting Parcel Number Roads	Frontage or Superseded Roads Roads
1	2.1 mi.
2	.6 mi.
3	.7 mi.
4	1.3 mi.
5	1.0 mi.
Total	3.4 mi. 2.3 mi.

R. State that highway planting, if any, is covered by a cooperative agreement.

Enclosures for the above request letter shall include:

A. Two sets of a legal description of the right of way to be relinquished--an original typewritten description and one copy. Relinquishment descriptions shall be submitted, double-spaced, on 8-1/2" x 11" bond with 1-1/2" margin at the top and 1" margin at the bottom and sides, except the last page shall have a 3" margin at the bottom. The description should include an access clause if applicable.

B. Maps to be included as follows:

1. Five sets of maps when using metes and bounds descriptions.
2. Five sets of unrecorded maps when using descriptions referring to recorded relinquishment maps, except under the

CTC. If adopted, a certified copy will be recorded by the District.

After CTC action, the Division will send a certified copy of the relinquishment to the city or county and

following condition:

If a District desires the Division to send recorded maps with the Notice of Intention to Relinquish to the city or county, only two sets of unrecorded maps are required.

After Division approval of the unrecorded maps, the District will be requested to record the maps and subsequently forward five sets to the Division.

3. When bearings and distances used on maps or in descriptions are on the State plane coordinate system, identify the datum as either the 1927 or the 1983 system and state the zone.

4. The person in responsible charge of preparing the maps or descriptions should place their name, seal and the date their license expires on the description or on the title sheet of the relinquishment map.

C. If relinquishment maps do not show construction features, they shall be accompanied by one additional set of maps, such as marked up layout sheets, which show the proposed relinquishment and also features of construction shown on the approved plans.

D. Two sets of mileage tabulations for relinquishments to counties only.

6.12.10.00 Processing

There is no legal requirement for the consent of the Board Of Supervisors or City Councils to relinquishment of superseded portions of State highways. However, in the interest of courtesy and cooperative effort, District Directors will contact local authorities and advise them of the impending action and their responsibility for future maintenance before recommending relinquishment to the Division.

The Division will forward to the county or city a Notice Of Intention To Relinquish on all superseded highways, frontage roads, service roads or outer highways. This letter will be sent by certified mail with a return receipt requested. The Notice of Intention to Relinquish will contain a copy of the proposed resolution together with a set of relinquishment maps. Copies of the proposed resolution will also be forwarded to the District. After the 90-day notice period, and clearance from the District, the resolution will be submitted to the will advise them it will become effective upon recordation.

The District shall forward a copy of any relinquishment involving National Forest Lands to the

local National Forest Representative when processing has been completed.

6.12.11.00 Recordation of Relinquishments

The District, upon receipt of a certified copy of the CTC's resolution authorizing the relinquishment, shall immediately record such certified copy in the Recorder's Office of the county in which the relinquished right of way is located. Immediately upon recordation, the District shall advise the Division by facsimile of the full recordation data and shall inform, by letter, the Board Of Supervisors or City Council, that the relinquishment has been recorded, giving full recordation data. A copy of the letter shall be forwarded to the Division. The District shall also submit a memorandum to the Division for filing that shows the recordation data and evidence that an entry was made on the District R/W Record Maps.

The District Right Of Way shall inform the District's Maintenance Office and other interested offices in the District immediately upon recordation of the relinquishment.

6.12.12.00 Relinquishment over Federal Lands

Care should be exercised when contemplating a relinquishment of State highway over Federal lands. If the Department acquired a highway easement from a Federal agency it is possible that the easement is not transferable.

If that is the case, it is advisable for the Department, the Local agency, and the Federal agency to agree beforehand as to what relinquishment transfer will be acceptable to all parties. The Notice of Intention to Relinquish should then specify the proposed relinquishment plan so that there will be no later dispute as to its terms.

It must be understood that in the case when a transfer would terminate the highway easement right, the local agency, upon proper application would be granted the necessary right of way.

6.13.00.00 - DIRECTOR'S DEEDS

6.13.01.00 General

A Director's Deed is a document used for the conveyance of any real property or interests therein, to be sold or exchanged under the provisions of Section 104.5 of the S&H Code. Director's Deeds are executed by the Director upon approval of the CTC.

Preparation costs of maps and documents for disposal of real property or interests in real property either acquired for exchange pursuant to utility agreement or cooperative agreement, acquired as a replacement for real property required for highway purposes, and/or excess property to be exchanged to the adjacent property owner for State's requirements, are eligible for Federal aid. Preparation of maps and documents in the above situations are charged to the project EA.

Preparation cost of maps and documents for disposal of real property no longer required for highway purposes and/or for real property acquired for highway purposes, but not used for highway purposes, are not eligible for Federal aid and shall be charged to a general ledger account.

6.13.02.00 Director's Deed Forms

The types of DD forms involved are as follows:

- A. Standard DD, Form RW 6-1(S), to be used for the conveyance of lands by sale or exchange.
- B. DD (Quitclaim), Form RW 6-1(T).
- C. DD, Form RW 6-1(U), to be used where the State has acquired land by inadvertence or mistake in the description in the deed conveying same to the State.
- D. DD, Form RW 6-1(V), to be used for exchange of access openings.
- E. DD, Form RW 6-1(W), to be used where the State has acquired access rights by inadvertence or mistake in the description in the deed conveying same to the State.

6.13.03.00 Preparation

Two copies of the DD must be forwarded to HQ R/W at the time the request is made for execution of the Deed.

DD descriptions follow the same rules of description writing as used in the preparation of grant deeds or other types of acquisition documents. The State cannot convey any greater title than it acquired. Conveyance by DD is subject to all encumbrances that affected the property. Therefore, each DD must contain the following provision:

"Subject to special assessments, if any, restrictions, reservations and easements of record."

Any title encumbrance which affects the property being conveyed, but is not of record, must be specifically set out in the DD.

It is preferable to show the marital status of the grantee and the manner in which title will be conveyed. Unless due to some special condition, it is desirable to convey title to grantees in the same manner as they hold title to adjoining land, e.g., in joint tenancy.

6.13.03.01 Exceptions and Reservations to State

It is extremely important and necessary to make proper exceptions and reservations in DD where the State will retain or reserve certain rights from land being conveyed, such as drainage easements, slope rights, access rights, oil, gas, and mineral rights, etc.

6.13.03.02 Access Clauses

For purposes of providing constructive notice of the nonexistence of access rights appurtenant to real property lying adjacent to a freeway, constructed or proposed to be constructed, one of the following two access clauses is to be used:

- A. DD-1

The following clause shall be used in all cases where property being conveyed abuts directly upon the access restriction line of the freeway. The clause shall also be used in all cases where property being conveyed abuts only upon a

sidewalk, a bikeway, and/or any other type of nonmotorized public thoroughfare lying between the real property and the access restriction line of the freeway.

The clause may be used where property being conveyed abuts only upon a frontage or connecting road, a cul-de-sac, cross street or alley that is closed at the freeway and/or any other type of motorized public thoroughfare lying between real property being conveyed and the access restriction line of the freeway. Use this clause where real property is being conveyed prior to construction of the freeway.

"There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway."

When limited access is to be allowed directly into the freeway, such as an access opening, a phrase must be added to the above Clause that will precisely define the location of the access opening, such as:

". . . except over and across the westerly 20 feet of the course described above with the length of 126.23 feet."

When the real property abuts upon an elevated freeway and upon a public way beneath said freeway, a statement permitting access to the public way is to be added to the Clause, such as:

". . . provided, however, that said real property shall have access to a public way beneath the elevated freeway structure."

B. DD-2

At interchanges where real property abuts upon the freeway and a city street or county road and the demarcation of freeway and local road is reasonably subject to misinterpretation, the following clause is used to designate the lines over which no access is allowed:

"There shall be no abutter's rights of access over and across the courses described above with lengths of _____."

NOTE: In exceptional cases, when further clarification is needed of intent to restrict or permit access, modification of the above clauses will be made to clearly set forth the State's intent.

6.13.03.03 **Landlocked Parcels**

DD for landlocked parcels sold at public auction shall contain the following constructive notice clause:

"The above-described real property is landlocked and without any direct access to the freeway or to any public or private road. The State Of California is without obligation or liability to provide access to said real property."

6.13.03.04 **Power of Termination Clause for Conveyance for Public Purposes**

DD conveying excess land to public agencies may require a clause limiting use of property to public purposes and to provide for reversion to the State if such a limiting condition is broken. (Civil Code Section 885.010, et seq.)

Where it is desired to limit use of property to a public use without limiting the nature of the public use, the following clause shall be used:

"It is expressly made a condition herein that the conveyed property be used exclusively for public purposes for a period of fifteen (15) years from the recorded date of this deed; that if said property ceases to be used exclusively for public purposes during this fifteen (15)-year period, the State may exercise its power of termination. In the event the State exercises its power of termination, all title and interest to said property shall revert to the State of California, Department of Transportation, and that the interest held by the grantee(s) named herein, or its/their assigns, shall cease and terminate."

The actual public use of the herein described property, must commence within _____ years from the recorded date of this deed and that public use shall continue through the remainder of the

fifteen (15)-year period or the State may exercise its power of termination."

If a more restrictive clause which would limit use to a specific public purpose is desired, the following clause shall be used:

"It is expressly made a condition herein that the conveyed property be used exclusively for _____, a public purpose, for a period of fifteen (15) years from the recorded date of this deed; that if said property ceases to be used exclusively for _____, a public purpose, during this fifteen (15)-year period, the State may exercise its power of termination. In the event the State exercises its power of termination, all title and interest to said property shall revert to the State of California, Department of Transportation, and that the interest held by the grantee(s), named herein, or its/their assigns, shall cease and terminate.

The actual public use of the herein described property as a _____, must commence within _____ years from the recorded date of this deed and that public use shall continue throughout the remainder of the fifteen (15)-year period or the State may exercise its power of termination."

6.13.03.05 **Clause for Soil Instability Caused by State Highway Construction**

The following clause shall be included in all DD, sales contracts and public sales notices utilized in disposal of excess properties having a history of soil instability caused in part or in its entirety by State highway construction:

"It is mutually agreed and understood that this property may be subject to soil instability and that the grantees, for themselves and their successors or assigns, hereby waive any and all claims for damages resulting from further earth movement or soil instability which may occur because of prior actions by the State of California, its officers, agents and employees."

6.13.03.06 **Slope Clause - Right to Remove**

The following clause shall be included in applicable DD, sales contracts and public sales notices utilized in disposal of excess properties where its use might be helpful in the sale of property, or in realizing the maximum return on property:

"It is understood and agreed by the parties hereto that the grantees, their successors or assigns, shall have the right at any time to remove such slopes or portions thereof upon removing the necessity for maintaining such slopes or portions thereof or upon providing in place thereof other adequate lateral support. The design and construction of any support or changes in lieu of existing slopes shall first be approved by the State Department Of Transportation or such other public body having the right of said approval for the protection and support of said highway."

When the slope easement is no longer necessary, the State may clear the easement from the Public Record by a DD, quitclaiming the easement to the fee holder of the property. The property owner is entitled to the DD without payment of consideration.

6.13.04.00 **Correctory Director's Deed**

Recorded DD containing errors or omissions shall be corrected by submitting new deeds to HQ R/W explaining the errors or omissions. Correctory Deeds that involve a substantial change in interest to be conveyed shall not be submitted to HQ R/W until the District has reacquired the interest originally conveyed. A quitclaim deed will normally be sufficient for this purpose. Examples of Correctory Deeds would be deeds that were in error as to area or access.

Correctory Deeds prepared for purposes of correcting minor errors occurring in the deed description or vesting may be submitted to HQ R/W without reacquiring the interest conveyed. The Correctory Deed shall however contain the following clause:

"The purpose of this Director's Deed is to correct the (description) (vesting) contained in Director's Deed recorded _____."

6.13.05.00 **Director's Deed Maps**

DD Maps or Excess Land Maps are used in appraisals, negotiations and sales notices of real property or interest in real property being exchanged or sold by CALTRANS. DD Maps are used by HQ R/W in reviewing proposed transactions and may be referred to by members of the CTC. DD Maps will accompany all DD and shall consist of an Index and Parcel Map.

Requirements for the following DD Maps are shown in Exhibit 6-1(K).

- A. Public Sale Parcel/Index Maps.
- B. Finding "A" and "B" Parcel/Index Maps.
- C. Exchange Parcel Map.
- D. Contract Obligation Parcel Map.

6.13.05.01 **Parcel Maps - Excess Lands**

Parcel Maps are not legally required in disposal of State-owned excess land. The District may, for

public relations purposes, elect to record Parcel Maps when both the following two conditions exist:

- A. The excess land parcel is located within a county or municipality which has adopted a local ordinance requiring submission, approval and recording of Parcel Maps.
- B. The excess land parcel is being disposed of by public sale.

6.14.00.00 - TRANSFER OF CONTROL AND POSSESSION

6.14.01.00 General

Maps and descriptions for transfer of control and possession to another State agency shall consist of a legal description of the property to be transferred (original and four copies), together with a map containing sufficient bearings and distances so the description can be analyzed. For map requirements, see Exhibit 6-1(H).

In addition to the above methods of disposal, excess property may be transferred to another Office within CALTRANS, such as to the Office Of Maintenance. Such interoffice transfers will be accomplished on the basis of an appraisal report and completion of necessary forms as discussed in the Excess Lands Chapter.

6.15.00.00 - RECORD MAPS

6.15.01.00 General

One copy of the R/W map showing restriction of access rights on all freeway projects shall be furnished the Office Of Maintenance in order to properly safeguard the State and to prevent any violations of such rights. The map shall be prepared on durable reproducible material preferably to the same scale as the construction layout sheets. Maximum use of appraisal maps and reproduction techniques will minimize record map costs.

Data to be shown on R/W Record Maps is that necessary to produce an intelligible, comprehensive right of way record. Construction details and data usually shown on plan layout sheets, not pertinent to right of way, should be omitted.

R/W Engineering shall advise Excess Lands by memorandum of all posting of excess land on the R/W Record Map. The memorandum should identify the location, the parcel, and advise of the area posted.

R/W Engineering is also responsible for advising Excess Lands by memorandum of all excess parcels created, eliminated, increased or decreased in size as a result of design changes subsequent to acquisition.

Public road connections approved by the CTC are not required to be shown on the Record Map.

Requirements for R/W Record Maps are shown in Exhibit 6-1(L).

6.15.02.00 Review of Record Maps

Within 30 days following acceptance of a construction project by the Director Of Transportation, the District R/W Engineer shall review the R/W Record Maps for completeness and conformance with the "As-Builts" project. The R/W Engineer shall verify with the Offices Of Construction and Design as necessary, and make field reviews as necessary to ensure the following:

- A. Right of way lines and legal access control are correctly depicted on the Record Maps.

- B. Easements outside the right of way lines, JUA's and CUA's within the right of way are correctly shown.
- C. Excess land is correctly depicted on the Record Maps and entered into excess land inventories.
- D. Areas to be relinquished and vacated have been entered on the relinquishment and vacation status.
- E. All necessary cross references to previous record mapping are complete.

6.15.03.00 Excess Land

The most recently prepared R/W Record Maps for any particular section of State highway shall depict all of the current excess land. The latest Record Maps shall show all of the pertinent R/W information by one of the two following methods:

- A. All pertinent information contained on previously prepared R/W Record Maps shall be incorporated into the most recent R/W Record Maps, and previous Record Maps shall be labeled "superseded" or destroyed.
- B. The current Record Map shall show all the latest R/W requirements including right of way lines, access control, easements, etc. Parcels previously acquired shall be included in the new Record Maps by cross reference between the new and old Record Maps.

6.15.04.00 Porter Bill

A Director's lease of excess land pursuant to Section 104.15 of the S&H Code (Porter Bill) shall be posted on the R/W Record Map by showing graphically the boundary of the lease area and adding the Director's lease number on or adjacent to the lease area.

6.15.05.00 **Procedure for Making Public
Records Available**

Act pertaining to information that can be obtained by means of various discovery devices in a condemnation suit.

For the purpose of complying with Sections 6250-6261 of the Government Code and for the purpose of making required information available to the public in an orderly, uniform and economical manner, the following procedure is to be used:

- A. At the completion of each R/W acquisition, the consideration and other pertinent information will be summarized on a parcel summary card which will be forwarded to R/W Engineering. This card will include all the information pertaining to the parcel that is shown on Exhibit 6-7.
- B. A counter, desk or other suitable reception area will be maintained in R/W Engineering at a location where R/W Record Maps are readily available. Parcel Summary cards will be filed at this location.
- C. Specific R/W Engineering personnel shall be assigned to receive parties making inquiries and aid them in finding parcels in the R/W Record Maps.
- D. When an inquiry is made as to the consideration on State-acquired parcels, and the parcel numbers are determined from Record Maps, the inquiring party shall be offered the Parcel Summary Card(s) pertaining to those parcels for inspection. If a request is made for supporting documents, the District will provide for copies of the R/W Contract, Deed, Record Map, or Parcel Summary Card to be mailed to the party making the request. Payment of standard fees to cover costs of copying and handling the document(s) is set by the District. If certified copies are requested, the documents should be forwarded to the Division for certification by the Director Of Transportation. An additional charge per document will be made for certification. If requests are made for Condemnation Judgment or Final Order, the suit number or recording data will be furnished and the inquiring party should be referred to the County Clerk or County Recorder's office.

The above-mentioned Code and procedure in no way affects the State's practices under the 1959 Discovery

CHAPTER 6

RIGHT OF WAY ENGINEERING

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FORMS

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Space above this line for Recorder's Use

GRANT DEED
(INDIVIDUAL)

District	County	Route	Post	Number

GRANT to the STATE OF CALIFORNIA, all that real property in the _____, County of _____

_____, State of California, described as:

$$\left. \vphantom{\begin{matrix} \text{---} \\ \text{---} \\ \text{---} \end{matrix}} \right\} \text{SS}$$

County of _____

Form RW 6-1(A) (Revised 4/96)

Space above this line for Recorder's Use

GRANT DEED
(INDIVIDUAL)

District	County	Route	Post	Number

_____ GRANT to the STATE OF CALIFORNIA, all that real property in the _____

_____, County of _____, State of California, described as:

Space above this line for Recorder's Use

GRANT DEED
(CORPORATION)

District	County	Route	Post	Number

_____ a corporation organized and existing under and by virtue of the laws of the State of _____, does hereby GRANT to the STATE OF CALIFORNIA all that real property in the _____, County of _____, State of California, described as:

Number

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 19__.

By _____, _____ President

By _____, _____ Secretary

[CORPORATE SEAL]

STATE OF CALIFORNIA }
County of _____ } ss

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19__

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

GRANT DEED
(CORPORATION)

District	County	Route	Post	Number

_____a corporation organized and existing under and by virtue of the laws of the State
of _____, does hereby GRANT to the STATE OF CALIFORNIA
all that real property in the _____,
County of _____, State of California, described as:

Number

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 19_____

By _____, _____ President

By _____, _____ Secretary

[CORPORATE SEAL]

STATE OF CALIFORNIA
County of _____

} ss

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19 _____, before me, _____, _____
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____, _____
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19_____

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

**HIGHWAY EASEMENT
DEED
(INDIVIDUAL)**

District	County	Route	Post	Number

_____ Grant, convey and dedicate to the STATE OF CALIFORNIA the right of way and incidents thereto for a public highway upon, over and across that certain real property, in the _____, County of _____,

State of California, described as:

Number

The grantor hereby further grants to grantee all trees, growths (growing or that may hereafter grow), and road building materials within said right of way, including the right to take water, together with the right to use the same in such manner and at such locations as said grantee may deem proper, needful or necessary, in the construction, reconstruction, improvement or maintenance of said highway.

The grantor, for the grantor and the grantor's successors and assigns, hereby waives any claim for any and all damages to grantor's remaining property contiguous to the right of way hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this _____ day of _____, 19____

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19____

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

**HIGHWAY EASEMENT
DEED
(CORPORATION)**

District	County	Route	Post	Number

_____, _____

_____ a corporation organized and existing under and by
virtue of the laws of the State of _____ does hereby grant, convey and
dedicate to the STATE OF CALIFORNIA, the right of way and incidents thereto for a public highway upon, over and across that
certain real property, in the
_____ County of _____
_____, State of California, described as:

Number

The grantor hereby further grants to grantee all trees, growths (growing or that may hereafter grow), and road building materials within said right of way, including the right to take water, together with the right to use the same in such manner and at such locations as said grantee may deem proper, needful or necessary, in the construction, reconstruction, improvement or maintenance of said highway.

The grantor, for itself, its successors and assigns, hereby waives any claim for any and all damages to grantor's remaining property contiguous to the right of way hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto this

_____ day of _____, 19_____.

By _____, _____ President
By _____, _____ Secretary

[CORPORATE SEAL]

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 19_____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281) , hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19_____

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

**QUITCLAIM
DEED**
(INDIVIDUAL)

District	County	Route	Post	Number

_____ does hereby release and quitclaim to the State of California _____

_____ all that certain real property in the _____

_____, County of _____, State of California, described as follows:

Number

It is understood that the present intention of the State of California is to construct and maintain a public highway on the lands hereinabove described, and the undersigned hereby waives any claim for any and all damages to the remaining property of which the above-described parcel is a part, by reason of the location, construction, landscaping or maintenance of said highway.

Dated this _____ day of _____, 19____

STATE OF CALIFORNIA }
County of _____ } ss

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19____

Director of Transportation

By _____
Attorney in Fact

**QUITCLAIM
DEED**
(INDIVIDUAL)

Space above this line for Recorder's Use

District	County	Route	Post	Number

_____ does hereby release and quitclaim to the State of California _____

_____ all that certain real property in the _____

_____, County of _____, State of California, described as follows:

Number

Dated this _____ day of _____, 19____

STATE OF CALIFORNIA
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19 _____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

--

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19____

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

**QUITCLAIM
DEED**
(CORPORATION)

District	County	Route	Post	Number

_____ a corporation organized and existing under and by virtue of the
Laws of the State of _____ does hereby release and quitclaim to the State of California _____
_____ all that real property in the _____
_____, County of _____, State of California, described as:

Number

It is understood that the present intention of the State of California is to construct and maintain a public highway on the lands hereinabove described, and the undersigned hereby waives any claim for any and all damages to the remaining property of which the above-described parcel is a part, by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 19____.

By _____, President

By _____, Secretary

[CORPORATE SEAL]

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19____

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

**QUITCLAIM
DEED**
(CORPORATION)

District	County	Route	Post	Number

_____ a corporation organized and existing under and by virtue of the
Laws of the State of _____ does hereby release and quitclaim to the State of California _____
_____ all that real property in the _____
_____, County of _____, State of California, described as:

Space above this line for Recorder's Use

**PARTIAL RELEASE
OF MORTGAGE**
(FEE)

District	County	Route	Post	Number

_____do hereby release and discharge the real property hereinafter
described from the lien of that certain _____ Mortgage, executed by _____
_____ to _____, dated the _____ day of _____
_____, 19____, recorded in Book _____ on Page _____, of the Official Records of
the _____ County of _____, STATE OF CALIFORNIA.

Said above mentioned real property is situated in the _____
_____, County of _____, State of California, and is
particularly described as follows:

Number

It is understood that the present intention of the State of California is to construct and maintain a public highway on the lands hereinabove described, and the undersigned hereby waives any claim for any and all damages to the remaining property of which the above described parcel is a part, by reason of the location, construction, landscaping or maintenance of said highway.

The purpose of this release is to enable the STATE OF CALIFORNIA to acquire the herein described real property free from the lien of said mortgage hereinbefore referred to.

It is hereby expressly understood that this release shall not affect or impair the security of said mortgage upon any portion of any premises, except the premises hereinabove particularly described.

Dated this _____ day of _____, 19____.

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

Space above this line for Recorder's Use

**PARTIAL RELEASE
OF MORTGAGE**
(EASEMENT)

District	County	Route	Post	Number

_____do hereby release and discharge the easement hereinafter described
from the lien of that certain _____ Mortgage, executed by _____
_____ to _____, dated the _____ day of _____,
19____, recorded in Book _____ on Page _____, of the Official Records of the _____ County of
_____, STATE OF CALIFORNIA.

Said above mentioned easement is situated in the _____, County of ____
_____, State of California, and is particularly described as follows:

Number

It is understood that the present intention of the State of California is to construct and maintain a public highway on the lands hereinabove described, and the undersigned hereby waives any claim for any and all damages to the remaining property of which the above described parcel is a part, by reason of the location, construction, landscaping or maintenance of said highway.

The purpose of this release is to enable the STATE OF CALIFORNIA to acquire the herein described easement free from the lien of said mortgage hereinbefore referred to.

It is hereby expressly understood that this release shall not affect or impair the security of said mortgage upon any portion of any premises, except the premises hereinabove particularly described.

Dated this _____ day of _____, 19____

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

Space above this line for Recorder's Use

**PARTIAL RELEASE
OF MORTGAGE**
(CORPORATION)

District	County	Route	Post	Number

_____ a corporation organized and existing under the laws of the State of
_____ does hereby release and discharge the real property hereinafter described from the
lien of that certain

_____ Mortgage, executed by _____ to _____
_____, dated the _____ day of _____, 19____, recorded in Book _____ on Page _____
_____, of the Official Records of the _____ County of _____
_____, STATE OF CALIFORNIA.

Said above mentioned real property is situated in the _____, County of _____
_____, State of California, and is particularly described as follows:

Number

The purpose of this release is to enable the STATE OF CALIFORNIA to acquire the herein-described real property free from the lien of said mortgage hereinbefore referred to.

It is hereby expressly understood that this release shall not affect or impair the security of said mortgage upon any portion of any premises, except the premises hereinabove particularly described.

IN WITNESS WHEREOF, said Corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its _____ President and _____ Secretary thereunto duly authorized, this _____ day of _____, 19____.

By _____, _____ President
By _____, _____ Secretary

[CORPORATE SEAL]

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19 _____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

REQUEST FOR PARTIAL RECONVEYANCE

District	County	Route	Post	Number

TO

Name of Trustee or Trustees

The undersigned, _____

Name of Beneficiary or Beneficiaries

is/are the legal owner _____ and holder _____ of the _____
promissory note _____ for the total sum of \$ _____ and of all other
indebtedness secured by Deed of Trust dated _____, 19_____,
made by _____

_____, Trustor____,

to _____

_____, Trustee____,

and recorded _____, 19____, in Book _____, Page _____,

of Official Records in the office of the Recorder of _____

County of _____, State of California

_____ .

You are hereby requested, in accordance with the terms of said Deed of Trust, to reconvey, without warranty, to the person or persons legally entitled thereto the estate now held by you thereunder in and to that portion of the property described in said Deed of Trust, situate in the _____ County of _____
_____, State of California, described as:

Number

It is understood that the present intention of the State of California is to construct and maintain a public highway on the lands hereinabove described, and the undersigned hereby waives any claim for any and all damages to the remaining property of which the above-described parcel is a part, by reason of the location, construction, landscaping or maintenance of said highway.

The making of such partial reconveyance shall be endorsed upon said note _____ and Deed of Trust which are herewith presented to you for that purpose.

Dated this _____ day of _____, 19 _____

Space above this line for Recorder's Use

WAIVER

District	County	Route	Post	Number

Number

Dated this _____ day of _____, 19____

STATE OF CALIFORNIA }
County of _____ } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

--

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19____

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

EASEMENT DEED

District	County	Route	Post	Number

_____ GRANT to the State of California an EASEMENT for
_____ upon,
over and across that certain real property in the _____ County of _____
_____, State of California, described as follows:

Number

Dated this ____ day of _____, 19____

STATE OF CALIFORNIA

County of _____

}

SS

PERSONAL ACKNOWLEDGMENT

On this the ____ day of _____ 19 ____ , before me, _____ ,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____ ,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) ____ is/are subscribed to the within instrument and acknowledged to me that ____ he/she/they executed the same in ____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.
IN WITNESS WHEREOF, I have hereunto set my hand
this ____ day of _____, 19__

Director of Transportation

By _____
Attorney in Fact

Space above this line for Recorder's Use

EASEMENT DEED
CORPORATION

District	County	Route	Post	Number

_____ GRANT to the State of California an EASEMENT
for _____ upon, over and across that certain real property in the _____
_____, County of _____, State of
California, described as follows:

Space above this line for Recorder's Use

**PARTIAL RECONVEYANCE
UNDER TRUST DEED
(FEE)**

District	County	Route	Post	Number

WHEREAS _____

_____ as Trustee____, under the Deed
of or Transfer in Trust made by _____

_____ Trustor____, and recorded on the
____ day of _____, 19____, in Book____Page____, of the Official Records of the County of_____
_____, State of California, having received from the Beneficiar_____ thereunder, a written request to
reconvey, in accordance with the terms of said Deed or Transfer, all the estate now held by said Trustee____ under said Deed or
Transfer, in and to the hereinafter described real property, said Beneficiar_____ having presented said Deed or Transfer and note_
_ secured thereby for endorsements, and said endorsements having been duly made and entered upon said Deed or Transfer and
note____.

NOW, THEREFORE, in accordance with said request and the provisions of said Deed or Transfer _____

_____, as Trustee_____, does/do hereby RECONVEY, but without warranty, to the PERSON OR PERSONS LEGALLY
ENTITLED THERETO, all that certain real property situate in the _____
_____ County of _____, State of California, particularly described as follows:

The purpose of this partial reconveyance is to enable the STATE OF CALIFORNIA to acquire title to the hereinbefore described real property.

It is expressly understood that this Reconveyance does not in any manner release or reconvey any of the property described in said Deed or Transfer, in trust, except that herein described and reconveyed. The remaining property described in said Deed or Transfer shall continue to be held by said Trustee____under the terms thereof and as therein provided. This partial reconveyance is made without affecting the personal liability of any person for payment of the indebtedness secured by said Deed or Transfer, or the effect of said Deed or Transfer upon the remaining property covered thereby.

IN WITNESS WHEREOF, The undersigned as Trustee____ha__ caused these presents to be signed and executed this ____
__day of _____, 19____.

STATE OF CALIFORNIA
County of _____

} SS

PERSONAL ACKNOWLEDGMENT

On this the ____ day of _____ 19 ____ , before me, _____ ,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

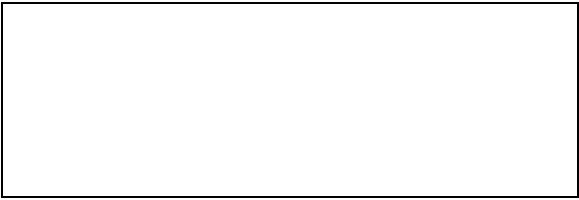
personally appeared _____ ,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____
his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)



(for notary seal or stamp)

Number

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this _____ day of _____ 19____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Director of Transportation

By

Attorney in Fact

STATE OF CALIFORNIA

County of

} ss

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name of Signer

personally known to me

proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ he/she executed the same in _____ his/her authorized capacity, and that by _____ his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the California Transportation Commission has authorized the Director of Transportation to execute the foregoing deed under provisions of CTC RESOLUTION #G-98-22, approved on October 28, 1998, amending RESOLUTION #G-02 PERTAINING TO SALE OF EXCESS PROPERTY.

Dated this _____ day of _____, 19_____.

_____.

Space above this line for Recorder's Use

DIRECTOR'S DEED

District	County	Route	Post	Number

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to _____

_____ all that real property in the _____

_____ County of _____,

State of California, described as:

MAIL TAX
STATEMENTS TO:

Number

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this _____ day of _____ 19 ____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM AND PROCEDURE

ATTORNEY
DEPARTMENT OF TRANSPORTATION

Director of Transportation

By

Attorney in Fact

STATE OF CALIFORNIA }
County of Sacramento } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19 _____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name of Signer

personally known to me
proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ he/she executed the same in _____ his/her authorized capacity, and that by _____ his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

(This space reserved for CTC Certification)

Space above this line for Recorder's Use

DIRECTOR'S DEED
(Quitclaim)

District	County	Route	Post	Number

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby release and quitclaim to _____
_____ all right, title and interest in and to all that real property in the _____
_____ County of _____
_____, State of California, described as:

MAIL TAX
STATEMENTS TO:

Number

Subject to special assessments if any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this _____ day of _____ 19 ____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM AND PROCEDURE

ATTORNEY
DEPARTMENT OF TRANSPORTATION

Director of Transportation

By

Attorney in Fact

STATE OF CALIFORNIA }
County of Sacramento } SS

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____ 19 _____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name of Signer

personally known to me
proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ he/she executed the same in _____ his/her authorized capacity, and that by _____ his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

(This space reserved for CTC Certification)

*Format of Directors Deed to be used
where state has acquired LAND by
inadvertence or mistake in the
description in the deed conveying
same to the State.*

Space above this line for Recorder's Use

DIRECTOR'S DEED

District	County	Route	Post	Number

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby release and quitclaim to

_____ all right, title and interest in and to all that real property in the _____

_____, County of _____, State of

California, described as:

(Insert description of property being quitclaimed)

MAIL TAX
STATEMENTS TO:

Number

The purpose of this Quitclaim Deed is to convey to the grantee herein all right, title, and interest of the State of California in and to the above described land by reason of the same being acquired by an inadvertence and mistake in the description in the deed from _____ to the State of California recorded _____ in the Book _____, Page _____, Official Records of said County.

The State of California paid no consideration for the property herein quitclaimed.

(Or, if consideration was paid, use the following sentence)

The consideration originally paid by the State of California for the property herein quitclaimed has been refunded.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

Number

WITNESS the hand of the Director of Transportation and the seal of the Department of Transportation of the State of California, this _____ day of _____ 19 ____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Director of Transportation

(Reserve space for acknowledgment)

(Reserve space for certificate to be added by HQ. R/W)

*Format of Director's Deed to be used
for exchange of access openings.*

Space above this line for Recorder's Use

DIRECTOR'S DEED

District	County	Route	Post	Number

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to

_____ the right of access over and across that certain _____ foot access opening in the _____
_ right of way line of the State highway in the _____, County of_
_____, State of California, described as:

(Insert description of access opening being conveyed by State)

MAIL TAX
STATEMENTS TO:

Number

IN EXCHANGE FOR

Grantee's present right of access over and across that certain _____ foot access opening in the _____
_____right of way line of the State highway in said (City and/or County) described as:

(Insert description of access opening State will acquire)

for which a deed has been executed and delivered by said grantee to the State of California.
The Director of Transportation has determined that the property rights being exchanged are equal in value and that the rights conveyed herein are no longer necessary for State highway purposes.
This conveyance is executed pursuant to authority vested in the Director of Transportation by law, and, in particular, by the Streets and Highways Code.

Number

WITNESS the hand of the Director of Transportation and the seal of the Department of Transportation of the State of California, this _____ day of _____ 19 ____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Director of Transportation

(Reserve space for acknowledgment)

(Reserve space for certificate to be added by HQ. R/W)

*Format of Directors Deed to be used
where State has acquired ACCESS RIGHTS
by inadvertence or mistake in the
description in the deed conveying
same to the State.*

Space above this line for Recorder's Use

DIRECTOR'S DEED

District	County	Route	Post	Number

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby release and quitclaim to

_____ all right, title and interest in and to the right of access over and across that certain _____
___ foot access opening in the _____ right of way line of the State highway in the _____
_____, County of _____, State of California, described as:

(Insert description of access rights being quitclaimed)

MAIL TAX
STATEMENTS TO:

Number

The purpose of this Quitclaim Deed is to convey to the grantee herein all right, title and interest of the State of California in and to the above described right of access by reason of the same being acquired by an inadvertence and mistake in the description in the deed from _____ to the State of California recorded _____ in Book _____, Page _____, Official Records of said County.

The State of California paid no consideration for the access rights herein quitclaimed.

(Or, if consideration was paid, use the following sentence)

The consideration originally paid for the access rights herein quitclaimed has been refunded.

This conveyance is executed pursuant to authority vested in the Director of Transportation by law, and, in particular, by the Streets and Highways Code.

Number

WITNESS the hand of the Director of Transportation and the seal of the Department of Transportation of the State of California, this _____ day of _____ 19 ____.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Director of Transportation

(Reserve space for acknowledgment)

(Reserve space for certificate to be added by HQ. R/W)

Space above this line for Recorder's Use

AERIAL EASEMENT DEED

District	County	Route	Post	Number

GRANT to the State of California an EASEMENT for freeway purposes, an easement and right of way to construct, replace, inspect, maintain, repair, operate or remove an overhead freeway bridge and highway, supporting columns and footings, including any and all appurtenances thereto, over, under, upon and across the following described real property, together with all abutter's rights of access to and from owner's remaining property to the freeway viaduct:

upon, over and across that certain real property in the _____ County of _____
_____, State of California, described as follows:

(INSERT LEGAL DESCRIPTION)

ALSO, TOGETHER with non-exclusive right of access to the aerial easement hereinabove described for the purpose of inspection, maintaining, retrofitting and repairing said freeway structures and for inspecting the uses made of the land under the aerial easement by way of such roads or passageways as may now or hereafter exist on owner's remaining property; provided, however, that State's exercise of such right of access shall not unreasonably interfere with owner's use of such roads or passageways.

RESERVING unto owner, its successors and assigns, lessees and licensees all rights in and to the airspace at an elevation higher than a plane parallel with and 9 meters above the roadway surface of said freeway structure as originally constructed, provided, that the use of such space shall not interfere with the enjoyment, safety and compatibility of said aerial easement, provided further, that owner, its lessees and/or licensees shall first secure such encroachment permits as may be required by law, which permits shall not be unreasonably withheld. Encroachment permits issued to owner or its subsidiaries or affiliated companies, shall have designated across the face thereof "For Notice of Record Purposes Only"; provided however, that in case of any subsequent conveyance by owner, its subsidiaries or affiliated companies, such facilities and installations shall be subject to a standard encroachment permit.

ALSO RESERVING unto owner, its successors and assigns, the general right to use and enjoy the area of land under the aerial easement hereinabove described. The general right to use and enjoy said land by owner, its successors and assigns, shall however, be subject to the following limitations and conditions:

1. No use may be made of the area of land under the aerial easement hereinabove described which would impair the full use and safety of said freeway structure, or would otherwise interfere with the free flow of traffic thereon or would unreasonably impair the maintenance thereof.
2. No use may be made of the area of land under said aerial easement hereinabove described for the manufacture or storage of flammable, volatile, explosive or corrosive substances, and such substances shall not be brought onto said land except in such quantities as are normally required for the maintenance operations of occupants of said land and except as may be transported by rail or pipelines. Installation of any pipelines carrying volatile substances shall have the written approval of the State as to the safety and compatibility with freeway purposes and such discretion shall not be exercised in a capricious or arbitrary manner. The use of any such substances shall be in conformance with all applicable code requirements.
3. No hazardous or unreasonably objectionable smoke, fumes, vapors, dust or odors shall be permitted, which would adversely affect the use or maintenance of said freeway or the traveling public thereon.
4. No building of combustible construction shall hereafter be constructed on the area of land under the aerial easement hereinabove described. The State shall be given the opportunity to review and approve plans for any construction within said aerial easement area 60 days prior to said construction. No buildings, no permanent structures, and no advertising displays, may be constructed within 2.5 meters of the undersides nor within 4.5 meters (measured horizontally) of the sides of said freeway structure without the express written approval of the State. The State shall have the discretion to determine whether such proposed construction will be inimical to or incompatible with the full enjoyment of the public rights in the freeway or against the public interest, but such discretion shall not be exercised in a capricious or arbitrary manner.

EXCEPTING AND RESERVING THEREFROM all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within the area of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than the area of land hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of said land, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells, or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 30.5 meters of the subsurface of said land or otherwise in such manner as to endanger the safety of any highway that may be constructed on said land.

Number

The grantor, for the grantor and the grantor's successors and assigns, hereby waives any claim for any and all damages to grantor's remaining property contiguous to the right of way hereby conveyed by reason of the location, construction or maintenance of said highway.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this ____ day of _____, 19 ____

STATE OF CALIFORNIA

County of _____

}

SS

PERSONAL ACKNOWLEDGMENT

On this the ____ day of _____ 19 ____ , before me, _____ ,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____ ,
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.
IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 19 ____

Director of Transportation

By _____

Attorney in Fact

Space above this line for Recorder's Use

**AERIAL EASEMENT
DEED
CORPORATION**

District	County	Route	Post	Number

GRANT to the State of California an EASEMENT for freeway purposes, an easement and right of way to construct, replace, inspect, maintain, repair, operate or remove an overhead freeway bridge and highway, supporting columns and footings, including any and all appurtenances thereto, over, under, upon and across the following described real property, together with all abutter's rights of access to and from owner's remaining property to the freeway viaduct:

upon, over and across that certain real property in the _____ County of _____

_____, State of California, described as follows:

(INSERT LEGAL DESCRIPTION)

ALSO, TOGETHER with non-exclusive right of access to the aerial easement hereinabove described for the purpose of inspection, maintaining, retrofitting and repairing said freeway structures and for inspecting the uses made of the land under the aerial easement by way of such roads or passageways as may now or hereafter exist on owner's remaining property; provided, however, that State's exercise of such right of access shall not unreasonably interfere with owner's use of such roads or passageways.

RESERVING unto owner, its successors and assigns, lessees and licensees all rights in and to the airspace at an elevation higher than a plane parallel with and 9 meters above the roadway surface of said freeway structure as originally constructed, provided, that the use of such space shall not interfere with the enjoyment, safety and compatibility of said aerial easement, provided further, that owner, its lessees and/or licensees shall first secure such encroachment permits as may be required by law, which permits shall not be unreasonably withheld. Encroachment permits issued to owner or its subsidiaries or affiliated companies, shall have designated across the face thereof "For Notice of Record Purposes Only"; provided however, that in case of any subsequent conveyance by owner, its subsidiaries or affiliated companies, such facilities and installations shall be subject to a standard encroachment permit.

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1. No use may be made of the area of land under the aerial easement hereinabove described which would impair the full use and safety of said freeway structure, or would otherwise interfere with the free flow of traffic thereon or would unreasonably impair the maintenance thereof.
2. No use may be made of the area of land under said aerial easement hereinabove described for the manufacture or storage of flammable, volatile, explosive or corrosive substances, and such substances shall not be brought onto said land except in such quantities as are normally required for the maintenance operations of occupants of said land and except as may be transported by rail or pipelines. Installation of any pipelines carrying volatile substances shall have the written approval of the State as to the safety and compatibility with freeway purposes and such discretion shall not be exercised in a capricious or arbitrary manner. The use of any such substances shall be in conformance with all applicable code requirements.
3. No hazardous or unreasonably objectionable smoke, fumes, vapors, dust or odors shall be permitted, which would adversely affect the use or maintenance of said freeway or the traveling public thereon.
4. No building of combustible construction shall hereafter be constructed on the area of land under the aerial easement hereinabove described. The State shall be given the opportunity to review and approve plans for any construction within said aerial easement area 60 days prior to said construction. No buildings, no permanent structures, and no advertising displays, may be constructed within 2.5 meters of the undersides nor within 4.5 meters (measured horizontally) of the sides of said freeway structure without the express written approval of the State. The State shall have the discretion to determine whether such proposed construction will be inimical to or incompatible with the full enjoyment of the public rights in the freeway or against the public interest, but such discretion shall not be exercised in a capricious or arbitrary manner.

EXCEPTING AND RESERVING THEREFROM all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within the area of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than the area of land hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of said land, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells, or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 30.5 meters of the subsurface of said land or otherwise in such manner as to endanger the safety of any highway that may be constructed on said land.

CHAPTER 6

Right of Way Engineering Table of Contents

EXHIBITS

<u>Exhibit No.</u>	<u>Title</u>
6-EX-1(A)	Federal Participation Maps
6-EX-1(B)	Freeway Lease Area Maps
6-EX-1(C)	Hardship Parcel Maps
6-EX-1(D)	Protection Parcel Maps
6-EX-1(E)	Appraisal Maps
6-EX-1(F)	Resolution of Necessity Maps
6-EX-1(G)	Federal Public Land Maps
6-EX-1(H)	State Land Maps
6-EX-1(I)	Vacation Maps
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6-EX-1(K)	Director's Deed Maps
6-EX-1(L)	Right of Way Record Maps
6-EX-2	Numbering System for Parcels, Subparcels, & Encumbrances
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6-EX-6	Sample of Vacation Memo to Local Agencies
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6-EX-8	Non-Inventory Excess Land Definition & Numbering
6-EX-9	Certificate of Sufficiency

FEDERAL PARTICIPATION MAPS

(Form #)

Mapping shall be prepared in conformance with the following procedure:

1. Authorization Maps

These maps must show sufficient detail to permit the location of the project to be easily determined. They must indicate the beginning and end of the proposed project. Scales may vary from 1" = 100' to 1" = 400'. To assure an accurate and current common understanding in both the Headquarters and District concerned, each original right of way Expenditure Authorization (EA) and each revision based upon changed project description or post mile termini will be accompanied by a simple type location map for filing with the expenditure authorization. Such maps will carry reference to the EA number and project number, the District and route number, and the map preparation date. The map should clearly portray, in relationship to existing streets, roads, or other geographic points, the project termini post miles and descriptive characteristics indicated by the expenditure authorization and Federal Highway Administration (FHWA) authorization. Adjoining relationships to other projects and expenditure authorizations should be indicated.

2. Project Sheet Maps

Project sheet maps shall meet the requirements for index maps and appraisal maps. In addition, the general features of all improvements within the right of way will be shown. Those districts which provide this information on their appraisal maps may submit prints of appraisal maps as project sheet maps by merely identifying them as such. Coloring will not be required, ~~unless~~ when parcels are clearly identified by other means unless requested by FHWA. Index sheets will be signed by the District Right of Way Engineer or Deputy District Director, Right of Way, and should indicate the limits of the Federal-Aid project.

See Section 5 of Drafting and Plans Manual for additional information.

FREEWAY LEASE AREA MAPS

(Form #)

The index map shall show the parcel location and its relationship to the State highway, nearest city streets, county roads or others.

Parcel map requirements may be varied as necessary to meet the unique needs of each airspace site required for specific situations. Generally, parcel map specifications are as follows:

- I. Freeway Lease Area (FLA) Parcel Maps (Inventory) are drawn or reduced to 8 1/2" x 11" and show the following information:
 - a. Outline perimeter of FLA and add scaled or record dimensions.
 - b. Right of way lines.
 - c. Center line of freeway, with stationing.
 - d. Graphically depict outside edge of viaduct structure.
 - e. Graphically depict ramps.
 - f. Top of cut - if any.
 - g. Toe of fill - if any.
 - h. Approximate size and location of bridge supports.
 - i. Gross FLA (planimeter or scaled).
 - j. Area covered by structure (planimeter or scaled).
 - k. Area of supports (planimeter or scaled).
 - l. Location and width of easements (graphical).
 - m. Area outside the right of way lines (excess).
 - n. Fences, and size and location of gates.
 - o. FLA identification number.
 - p. County, Route, and Post Mile.
 - q. Approximate distance from existing ground to underside of bridge structure (minimum number to identify vertical clearance).

- II. Freeway Lease Area Parcel Maps (Appraisal)

Appraisal maps for Freeway Lease Areas should be drawn to scale in sufficient detail to enable the preparation of a legal description.

Outline the perimeter of the FLA and show bearings and dimensions with points of reference and show the following:

- a. Right of way lines.
 - b. Centerline of freeway, with stationing.
 - c. Edge of pavement or outside edge of viaduct structure (graphical).
 - d. Ramps, abutments, and retaining walls (graphical).
 - e. Height-Limitation Zone (15' from edge of viaduct structure, optional with Districts, graphical if used).
 - f. Top of cut.
 - g. Toe of fill.
 - h. Size of location and bridge supports.
-

FREEWAY LEASE AREA MAPS (Cont.)

(Form #)

EXHIBIT

6-EX-1(B)

PAGE 2 OF 2

-
-
- i. Approximate location, width, and purpose of all easements, including Joint Use Agreements.
 - j. Distance from existing grade to underside of bridge structure to the nearest foot (minimum number to identify vertical clearance).
 - k. Typical viaduct section.

Calculate the following areas:

- a. Gross Freeway Lease Area.
- b. Area of supports.
- c. Net FLA (a - b).
- d. Area covered by viaduct (graphical).
- e. Area of Height Limitation Zone (graphical and optional with Districts).
- f. Area outside Height Limitation Zone within the right of way lines (graphical and optional with Districts).
- g. Area outside right of way lines (excess).

See Section 5 of Drafting and Plans Manual for additional information.

HARDSHIP PARCEL MAPS

(Form #)

Hardship maps are prepared to show parcels proposed for acquisition in advance of normal acquisition scheduling.

See Section 5 of the Drafting and Plans Manual for additional information.

PROTECTION PARCEL MAPS

(Form #)

Maps for Authorization to Acquire Property for Protection Purposes

1. Five stippled copies of detail map showing the property in sufficient detail to properly evaluate the proposed purchase, including property remainders, if any, and the location of access lines.
2. Five copies of a strip map showing the subject property in relation to the surrounding area and the freeway.
3. Maps should be no larger than half-scale 11" x 17" appraisal maps, if possible.

See Section 5 of the Drafting and Plans Manual for additional information.

A. Appraisal Map Requirements

Appraisal maps should be of a suitable scale so as to adequately show areas to be acquired for right of way. They should also show the following:

1. Highway centerline with stationing.
2. Proposed new right of way lines with bearings and distances.
3. Existing right of way lines with bearings and distances.
4. Proposed access restrictions and access openings.
5. Existing access restrictions with the notation, "Access rights previously acquired".
6. Proposed frontage roads and other collateral facilities.
7. Existing roads or streets and their names.
8. Subdivision names and lots and blocks thereof.
9. Section lines, section corners and rancho lines, if located.
10. Property lines intersecting the right of way with bearings and distances.
11. Property owners' names.
12. Areas of all parcels and sub-parcels.
13. Approximate area of all remainders.
14. Parcel numbers.
15. Proposed limit of slope except where adequately depicted on other maps available in the Districts.
16. Topography to include the following:
 - (a) All building improvements within the right of way.
 - (b) Building improvements on remainders unless such improvements are so remotely located that they will not be either physically or economically affected by State's requirements.
 - (c) All pertinent man-made culture and natural features such as sidewalks, curbs, foundations, walls, fences, trees and shrubbery, wells, ditches, rivers, lakes, power lines and telephone lines, driveways and both surface and underground pipelines.
 - (d) Contour lines where appropriate.
17. Easements of record that materially affect the appraisal or acquisition of the parcel.
18. Excess land identification numbers.
19. Basis of bearings.

B. Map Coloring

Each parcel and its remainder(s) shall be assigned a base color distinctly different from colors used for any other contiguous ownerships. The same base color shall be used for each subparcel to be acquired from the same ownership.

The method of coloring used to distinguish parcels, subparcels and remainders shall be accomplished with the use of solid shading, solid lines, dashed lines, hatching and cross-hatching to clearly identify the various interests and shall be consistent for all appraisals within each District.

In special or unusual situations the District Appraisal Section will specify the method of coloring.

C. Map Size

Appraisal maps should be prepared on standard 22" x 34" sheets and final appraisal maps reduced to 11" x 17". Unusual circumstances may logically require variations in the above policy. Variations should be approved by the District Right of Way Engineer.

D. Delineation of Right of Way Lines and Access Openings of Freeways

The manner of delineation of right of way lines of freeways and access openings on expressways and frontage roads on right of way maps is shown on Exhibit 6-5.

See Section 5 of the Drafting and Plans Manual for additional information.

RESOLUTION OF NECESSITY MAPS

(Form #)

The preamble of the resolution is prepared in the Division of Right of Way.

Map requirements are as follows:

- a. Strip or index map showing the proposed State highway project between termini, and
- b. Detail maps showing each parcel or group of parcels to be condemned - and where space permits, the remainder of each parcel not sought to be condemned.

The above maps must contain a graphic (bar) scale and a *North* arrow, and must be 8-1/2" x 11". Care should be taken to allow space at the top for stapling to legal documents.

See Chapter 5 of the Drafting and Plans Manual for additional information.

A. Map Application for Public Lands - Federal (BLM)

The tracings shall be signed by the District Director and the District Right of Way Engineer.

The tracings shall conform to the field notes of the survey. Maps shall be 22" x 34". With appropriate cross-referencing, more than one sheet may be used for any project.

The scale of the map should not exceed 500 feet to the inch. On all surveyed public lands affected by the right of way, the smallest legal subdivisions (40 acre tracts and lots) must be shown.

If the scale of the map permits, all alignment data should be shown along the center line of the highway. If the scale of the map does not permit such treatment, the alignment data should be listed on the map with each curve and course numbered to correspond to the like number indicated along the alignment. Note should be made that courses are on true bearings. It is unnecessary to show alignment data across parcels not public domain, except where continuation of courses is required for prolongation of right of way lines to complete ties to section or quarter section corners.

Data shown must include ties from center line to established corners of land surveys at origin and terminus. Intermediate ties at section lines and at lesser subdivisions will be included to clarify location of right of way with respect to the smallest legal subdivisions.

The following example indicates the form of caption which must appear on the tracing.

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION & HOUSING
DEPARTMENT OF TRANSPORTATION
MAP SHOWING UNPATENTED PUBLIC LANDS IN SECTION 30, T.3S., R.5E., S.B.M., THROUGH
WHICH INTERSTATE HIGHWAY ROUTE 10, RIVERSIDE COUNTY, P.M. 34.6 TO 36.7 ON THE
FEDERAL INTERSTATE SYSTEM PASSES AND THROUGH WHICH A STATE HIGHWAY
RIGHT OF WAY AS DELINEATED IS REQUESTED IN ACCORDANCE WITH PROVISIONS OF
TITLE 23 U.S.C.

Parcel numbers, as shown in the appraisal, and approximate areas (in acres) for the required right of way must be shown within each parcel delineated.

The parcel or parcels of right of way sought shall be shown on the tracings by distinctive stipple film and designated by suitable legend. Appropriate legends shall be placed on all tracings.

When either terminal of the line is upon unsurveyed land, it must be connected by traverse with an established corner of the public survey, if not more than six miles distant; and the single bearing and distance from terminal point to the corner must be computed and noted on the map. When an established corner is more than six miles distant from terminus, it shall be referenced to some natural object or permanent monument which can readily be found and recognized. The map must show position and description of the monument and other data for the tie.

When parcels over which right of way is requested lie partly on unsurveyed land, each portion within surveyed and within unsurveyed land shall be separately described as though such portion were independent.

Areas required for drainage beyond the limits of the normal right of way shall be shown and described by metes and bounds. Ties to the survey route with proper reference to location within land subdivisions must be shown so that the parcels may readily be plotted on land office maps. County, route, post miles and appraisal parcel numbers shall be shown in the upper right-hand corner of the tracing.

In all cases the Federal Aid Primary or Secondary route number must be shown on the map and related correspondence. Interstate route and project numbers must also be shown when applicable.

In all cases, stationing shall be shown where equations occur, where the center line crosses the limits or boundary of public domain parcels and where center line intersects a township or section line of the public survey. In the latter two cases, the distance to the nearest existing corner shall be noted on the map.

B. Map Application - National Forest Lands

The drawing shall be 22" x 34".

The certificate for Regional Forester's signature, map title, and legend must be as shown on the sample in the Drafting and Plans Manual. The route number in the Federal Aid System, whether primary or secondary, must appear on the tracing. If within the Interstate System, the Interstate route number must also be shown.

The parcels of right of way sought shall be shown on the tracings by distinctive stipple film and designated by suitable legend. Tracings, in duplicate, and 4 blue line prints are required by Headquarters.

Metes and bounds descriptions are not required in the appropriation procedure. Maps must contain sufficient information to facilitate an accurate survey of the parcel on the ground. Since the maps are used in lieu of legal descriptions, they must be prepared in a manner which will provide for the transfer of title. Maps used for application for right of way through National Forests will include the following:

1. Location or index map showing right of way plan for the related highway facility. This may be included on the detail sheet.
2. Center line and right of way limits.
3. Found monuments are to be designated and should reflect pertinent data. The right of way must be tied to the existing land net.
4. Legend for right of way requirements.
5. Complete station reference for right of way angle points.
6. Areas of exclusion (private lands, etc.) must show recording information when precise location of boundaries cannot be defined on the map.
7. Federal Law under which the application is made (23 U.S.C.-317). If Interstate, add 107d.
8. Bearing, distances, ties to legal subdivisions and right of way widths must be shown. Access hatching, location of any openings to be allowed, frontage road areas and interchange locations must also be shown.

The parcel requirements may be outlined in red or shown with stippling; however, map information must remain legible. Stippling is satisfactory for use on maps with a scale of 1" = 50' or 1" = 100'. The workmanship must be of such quality that legible copies may be made from the tracing. Forest Service application maps which are exceptions to the above application map requirements, must contain an explanation or justification on the map or in the cover letter.

C. Map Application - Surplus U.S. Lands

The District is to prepare and submit to Division of Right of Way tracings in triplicate delineating the right of way and access rights, if any, to be acquired. These tracings are to be 22" x 34" and are to show parcel number(s) and area(s) within the required right of way. The parcel or parcels of right of way sought shall also be shown on the tracings by stipple film and designated

by suitable legend. The tracings are to be signed by the District Director. Legend of the layout sheets is to clearly show the method of delineating the right of way and access rights and any access openings that are allowed. The tracing should be captioned approximately as follows:

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION & HOUSING
DEPARTMENT OF TRANSPORTATION

Sketch of surplus lands under jurisdiction of the General Services Administration (indicate here the Federal designation of the property, i.e., Air Force Base, housing project, etc.) through which State Highway Road (District, County, Route, PM) Federal Aid (Primary, Secondary or Interstate) Route _____ passes and through which a right of way of varying width as delineated is requested, pursuant to provisions of Title 23 U.S.C. 107(d) or 317. (Section 107(d) is cited on Interstate Routes.)

In addition to the tracings, the District shall also submit the original and 13 copies of typed metes and bounds description of the parcel or parcels required. The description is to be set up on plain legal-size paper and must include appropriate access clauses, area (acreage) and the parcel number or numbers as shown on the map. If available, both the maps and typed descriptions should contain a deed reference setting forth the source of title to the Federal agency exercising supervision and control of the lands together with the total acreage originally acquired by that agency.

D. Application Maps - Indian Lands

Prepare tracings in triplicate showing the width and length of the right of way required through or within the reservation or allotted lands, also show ties by bearings and distance to the nearest easily identified corner of an accepted public land survey from the initial and terminal points of the part of the road that is within the Indian lands. A sample tracing for application over vacant Indian lands is in Chapter 5 of Drafting and Plans Manual.

The maps shall show the allotment number of each tract of allotted land, and shall clearly designate each tract of tribal land affected, together with the sections, townships, and ranges in which the lands crossed by the right of way are situated.

Whenever the line of survey crosses a section or township line, the distance to the nearest existing corner shall be noted. The maps shall show these distances and the station numbers of the points of intersection.

Field notes of all bearings and distances should be lettered on the tracings if it can be done without obscuring other important data on the map, or if that is impossible, may be typewritten with clear carbon copy for duplicate and attached to the tracing.

The detailed description maps should be prepared on a scale of 1" = 100' unless the layout plans use a different scale. The line of the route between the nearest towns, on a scale of not more than 2,000 feet to the inch, should also be submitted. In the case of short lengths across Indian lands, the route or key map may be traced in one of the upper corners of the detailed map. In acquisitions involving long distances across Indian reservations, with uniform width of right of way, the route map at 2,000 feet per inch will be sufficient; however, separate sheets for each 20 miles should be submitted except where the last portion is 10 miles or less it may be shown as a part of the last 20 miles section.

There shall be subscribed on the tracings an affidavit to be signed by the surveyor/engineer most directly responsible for the survey and preparation of the map, together with a certificate to be signed by the District Director. Examples follow:

FEDERAL PUBLIC LAND MAPS (Cont.)

(Form #)

EXHIBIT

6-EX-1(G)

PAGE 4 OF 5

AFFIDAVIT OF DISTRICT RIGHT OF WAY ENGINEER

State of California)

)ss.

County of _____)

I, _____, District Right of Way Engineer, being duly sworn, do hereby certify that this map (consisting of _____ sheet(s)) accurately represents the right of way required for the project indicated hereon.

State of California

Business, Transportation and Housing Agency

Department of Transportation

By _____

District Right of Way Engineer

Subscribed and sworn to before me this _____
day of _____, 19 ____.

Notary Public in and for the County of
_____, State of California

My commission expires _____.

CERTIFICATE OF DISTRICT DIRECTOR

State of California)

)ss.

County of _____)

_____, being duly sworn, says he is the District Director of the Department of Transportation, Business, Transportation and Housing Agency, State of California, hereinafter designated as the applicant:

That the survey of State highway _____ shown on this map across certain Indian lands in Section _____, Township _____, Range _____, _____ Meridian and within the _____ Indian reservation from post mile _____ to post mile _____, was made by employees of said Department and under his authority, and that such survey is accurately represented on the accompanying map, consisting of _____ sheet(s).

State of California

Business, Transportation and Housing Agency

Department of Transportation

District Director

Subscribed and sworn to before me this _____
day of _____, 19 ____.

Notary Public in and for the County of
_____, State of California

My commission expires _____.

E. Congressional Grant of Right of Way for Highways

1. The District shall prepare and submit to Division of Right of Way for approval, a reproducible map of standard layout size, which map shall show the proposed right of way and contain the following statement:
"Map showing unpatented public lands through which State Highway Route _____, _____ County, Post Miles _____ passes and through which state highway right of way is being occupied pursuant to provisions of Section 501, Title V, 90 Stat. 2743, U.S.C. 1701.
2. The District shall file the approved map with the County Recorder with one print to the local Bureau of Land Management Land Office.
3. Two prints of the map, containing recording data, shall then be submitted to Division of Right of Way for filing in the general map archives.

See Chapter 5 of the Drafting and Plans Manual for additional information.

A. Map Application for State Sovereign Lands

The District shall prepare and submit to Headquarters three polyester base film tracings of the area involved in the application. The maps shall be 22" x 34" and shall show the following:

1. Base of bearings and statement as to whether distances shown are grid distances or ground distances.
2. Signature and license number of engineer or surveyor attesting to accuracy of material shown on map.
3. Distances and bearings necessary to establish highway right of way.
4. Symbols and all other data necessary for the intelligent interpretation of map must be explained by a legend.
5. Do *not* show distances, bearings, or coordinates on or between any State Lands Commission boundary points. Intersections of State Lands Commission lines with Caltrans line will not be coordinated or given dimensions, but will be shown graphically.
6. Insert the following statement on the map:

STATE OF CALIFORNIA
STATE LANDS COMMISSION

This map is hereby approved and filed for record with the Division of State Lands pursuant to the provisions of Section 101.5 of the Streets and Highways Code. The sovereign lands under the jurisdiction of the State Lands Commission as they may lie within the right of way lines shown upon this map are hereby reserved for highway purposes.

APPROVED: Meeting _____ 19____

STATE LANDS COMMISSION

By _____

()

Deputy Chief, Division of Land
Management and Conservation

(NOTE: State Lands now provide a Public Agency Permit for highway purposes across any interest they may have that lies within the right of way requirements as shown on the entire map. This revision leaves the State Lands Commission uncommitted to the boundary locations of State Land ownership or interest as shown on the approved Application Map.)

B. Map Application for Vacant State School Lands

The maps prepared by the District under this section shall contain sufficient information necessary for appraisal analysis, identification and documentation.

Generally, such maps should conform to the appraisal map requirements. Each map shall be a 22" x 34" blue line print. Map coloring is not required and index map need not be prepared.

Three copies of the map, folded to accompany an appraisal report, are required for submittal to Headquarters.

In addition to the above requirements, the map shall show the following:

1. Base of bearings and statement as to whether distances shown are grid or ground distances.
2. Signature and license number of engineer or surveyor attesting to the accuracy of the map.
3. All field evidence uncovered, recovered and all monuments found or set.

C. Transfer of Control and Possession Maps

Maps and descriptions for transfer of control and possession to another state agency shall consist of a legal description of the property to be transferred (original and four copies), together with a map containing sufficient bearings and distances so that the description can be analyzed.

In addition to the above methods of disposal, excess property may be transferred to another department within the Department of Transportation, such as to the Maintenance Branch. Such interdepartmental transfers will be accomplished on the basis of an appraisal report with required supporting data.

See Chapter 5 of the Drafting and Plans Manual for additional information.

See Chapter 5 of the Drafting and Plans Manual for additional information for vacation maps.

RELINQUISHMENT MAPS

(Form #)

See Chapter 5 of the Drafting and Plans Manual for additional mapping information on superseded highways, legislative deleted highways and collateral facilities.

DIRECTOR'S DEED MAPS

(Form #)

Director's Deed maps or excess property maps are used in appraisals, negotiations and sales notices of real property or interest in real property being exchanged or sold by the Department of Transportation. Director's Deed maps are used by Division of Right of Way in reviewing the proposed transaction and may be referred to by members of the California Transportation Commission.

The Director's Deed maps will accompany all Director's Deeds and shall consist of a key and parcel map.

The key map should show the parcel location and its relationship to the State highway, nearest city streets, county roads or other easily identifiable locations.

The parcel map should clearly delineate the parcel being sold, access restrictions and sufficient bearings, distances and other information so that the deed description can be analyzed. When real property is being conveyed to an adjoining owner, all adjoining ownerships must be shown together with the names of the owners. When the State owns excess land contiguous to the area being sold or exchanged, the additional excess must be shown together with its area.

Director's Deed key and parcel map for excess sold at public auction shall be prepared to a size, usually 8-1/2" x 11", convenient for inclusion in the Public Sale Notice. All other Director's Deed maps may be any convenient size and maximum use should be made of existing appraisal or record maps.

See Chapter 5 of the Drafting and Plans Manual for additional information.

RIGHT OF WAY RECORD MAPS

(Form #)

The comprehensive record shall consist of a right of way record map, showing the alignment, stationing, principal topographical features, such as creeks, rivers, etc., intersecting roads, streets and subdivisions. It shall also show data, such as property ties, bearings and distances of courses used in deed descriptions. The data to be shown on the right of way record map is that necessary to produce an intelligible, comprehensive right of way record. Construction details and data usually shown on the plan layout sheets, not pertinent to right of way should be omitted.

State highway deed and instrument numbers, county recording references, excess property owned by the State, property conveyed out by Director's Deed, etc., shall be indicated on the right of way record map. If special conditions or restrictions are provided in the deed, a brief notation relating to same should be made on the map.

The right of way record map should also show all vacations, relinquishments, with State document numbers therefor, as well as recording references, and also should show any other pertinent data in order that the map itself will graphically indicate the status of all right of way.

See Chapter 5 of the Drafting and Plans Manual for additional information.

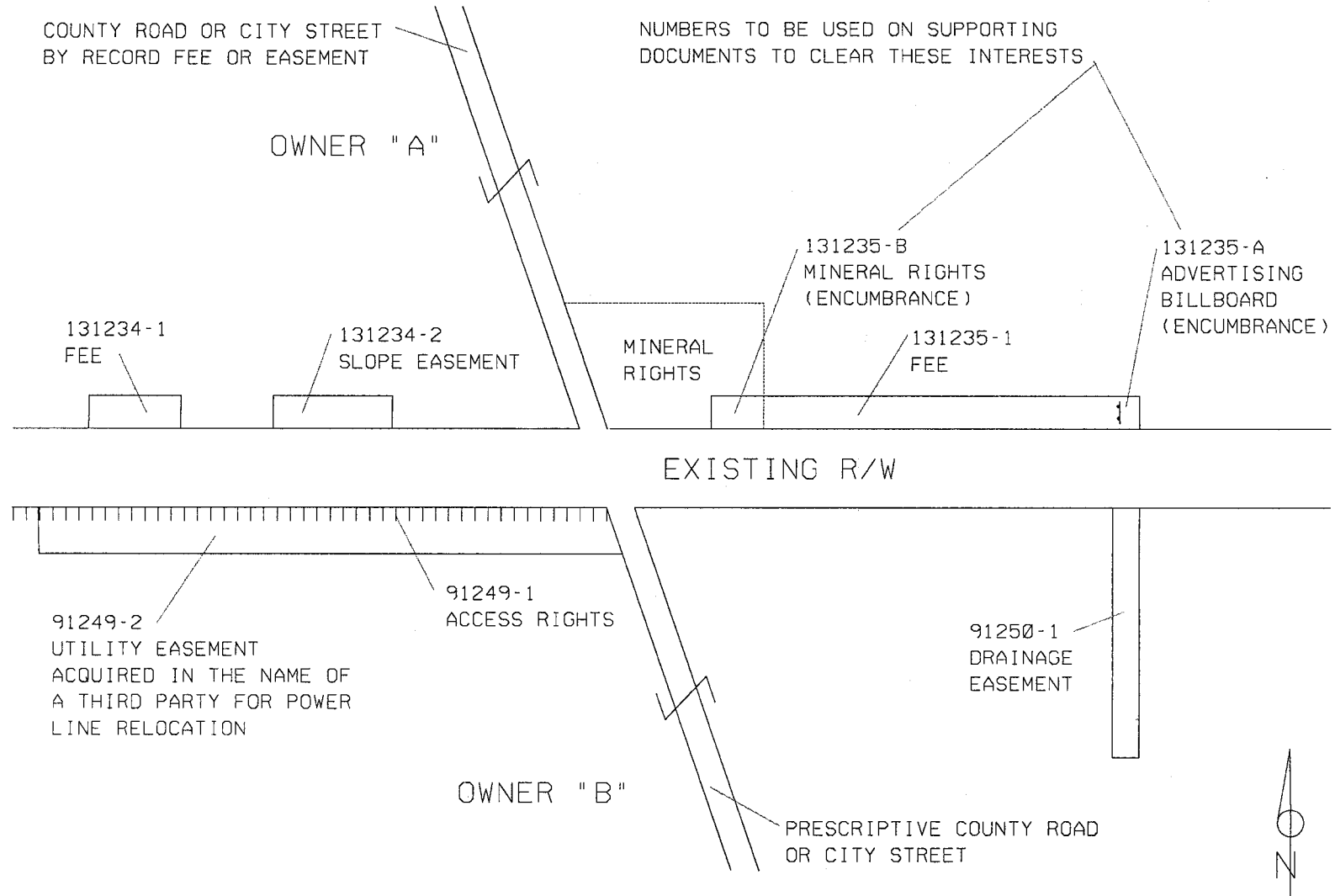
NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, & ENCUMBRANCES

(Form #)

EXHIBIT

6-EX-2 (REV 12/2004)

Page 1 of 12



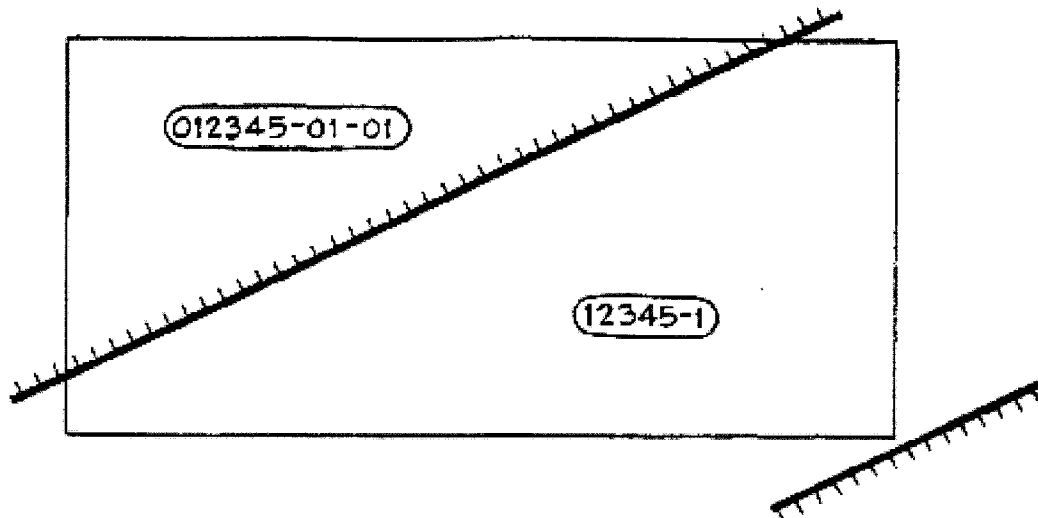
NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, & ENCUMBRANCES

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

(Form #)

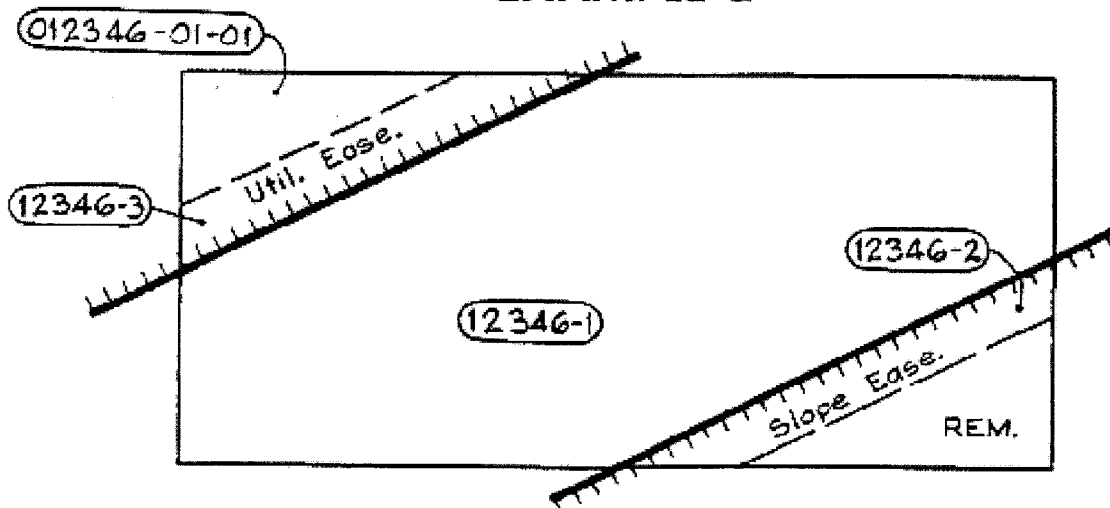
EXHIBIT
6-EX-2 (REV 12/2004)
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EXAMPLE 1



EXAMPLE 1 is mapped as a total acquisition with one right of way fee requirement and one excess area. The ownership number is 12345. The right of way fee requirement is numbered 12345-1. The excess is shown on the map as 012345-01-01. The deed number on the acquisition document is 12345.

EXAMPLE 2



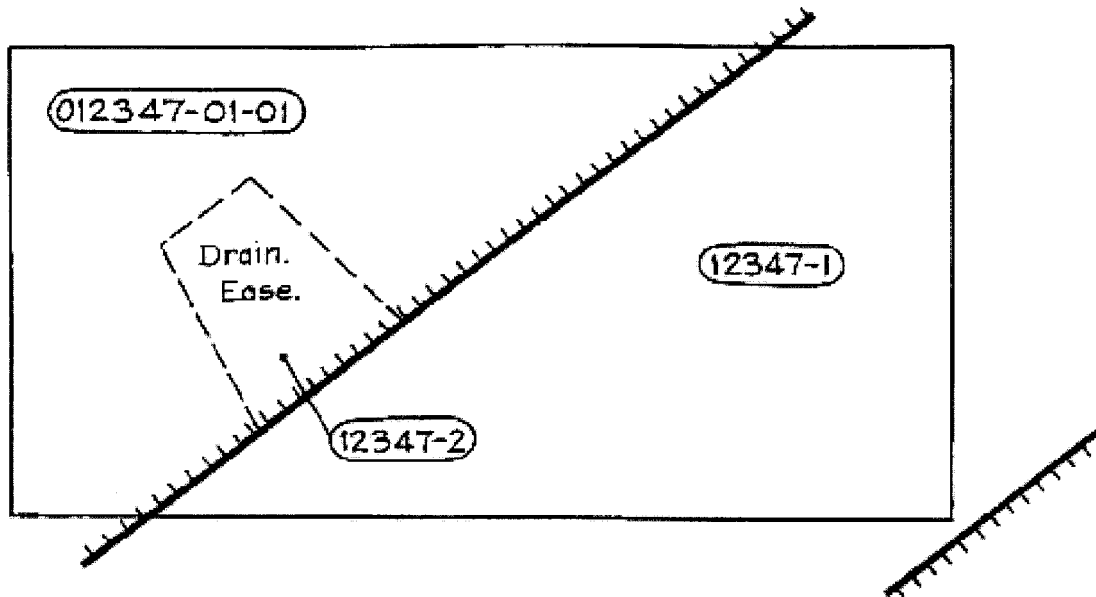
EXAMPLE 2 is mapped as a partial acquisition with excess. The ownership number is 12346. The right of way requirements are a fee within the access lines numbered 12346-1 and a slope easement over the remainder numbered 12346-2. The excess is numbered 012346-01-01 and the utility easement across the excess that is to be later conveyed to the utility company is numbered 12346-3. The utility easement will be given a "non-inventory" number of 012346-X3-XX for tracking purposes in the excess land inventory system. The deed number on the acquisition document is 12346.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

(Form #)

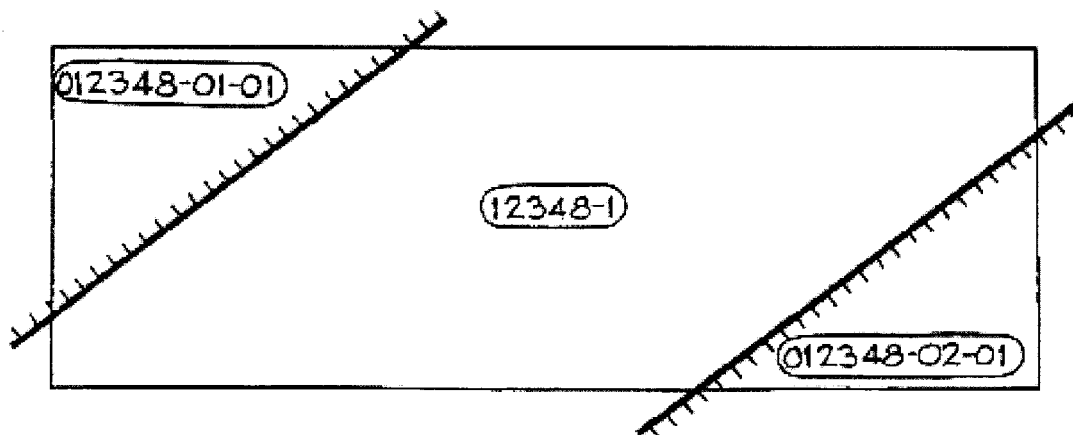
EXHIBIT
6-EX-2 (REV 12/2004)
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EXAMPLE 3



EXAMPLE 3 is mapped as a total acquisition with two right of way requirements and one excess area. The ownership and acquisition document number is 12347. The right of way requirements are a fee numbered 12347-1 and a highway drainage easement numbered 12347-2. The excess is numbered 012347-01-01. Note that easements for highway purposes across excess that are to be reserved to the State in disposal of the excess have parcel, subparcel numbering - not excess land numbering.

EXAMPLE 4



EXAMPLE 4 is mapped as a total acquisition with two separate excesses. The ownership and acquisition document number is 12348. The right of way fee requirement is numbered 12348-1. The excess areas are 012348-01-01 and 012348-02-01.

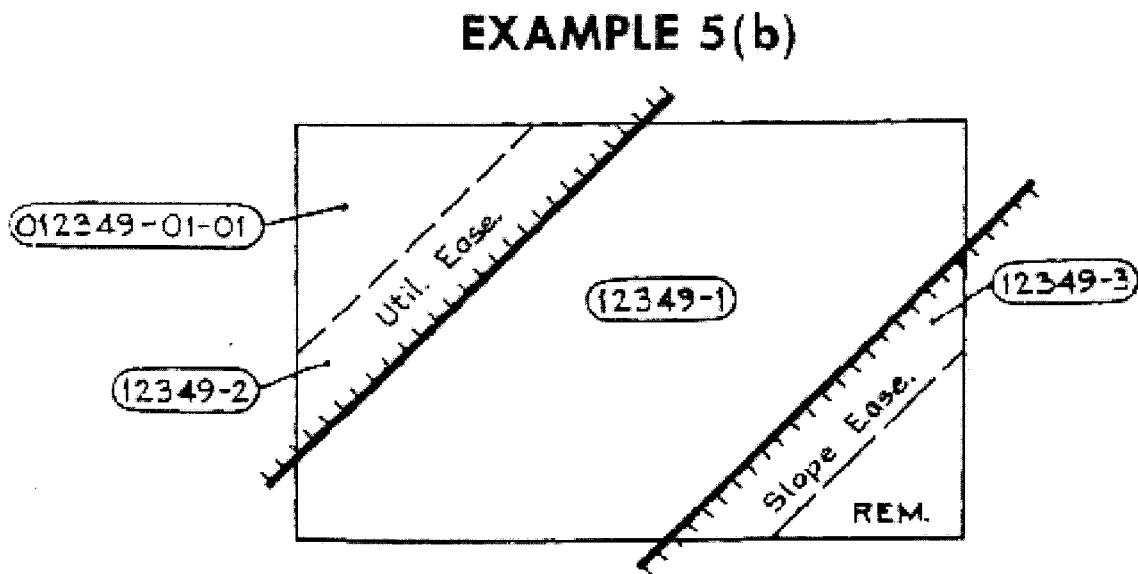
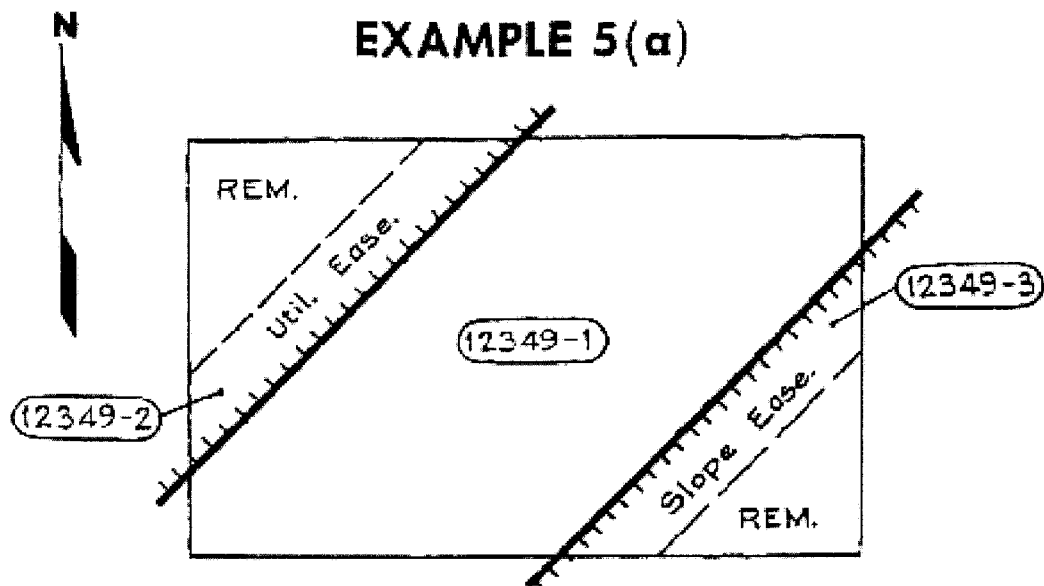
**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

(Form #)

EXHIBIT

6-EX-2 (REV 12/2004)

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EXAMPLE 5 (a) is mapped as a partial acquisition with no excess. The ownership and acquisition document number is 12349. The right of way requirements are a fee numbered 12349-1, a utility easement over a remainder numbered 12349-2, and a slope easement over a remainder numbered 12349-3. The utility easement will be given a "non-inventory" number of 012349-X2-XX for tracking purposes in the excess land inventory system. During appraisal or acquisition a decision is made to acquire the excess in the northwestern corner of the ownership. The maps are revised as shown in **EXAMPLE 5 (b)**. The existing numbering remains the same and the excess is numbered 012349-01-01.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

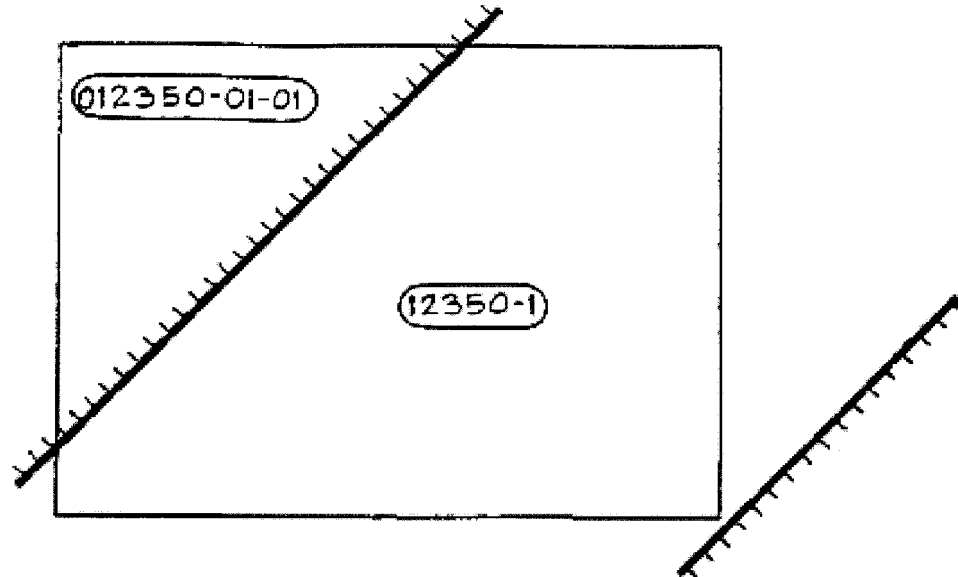
(Form #)

EXHIBIT

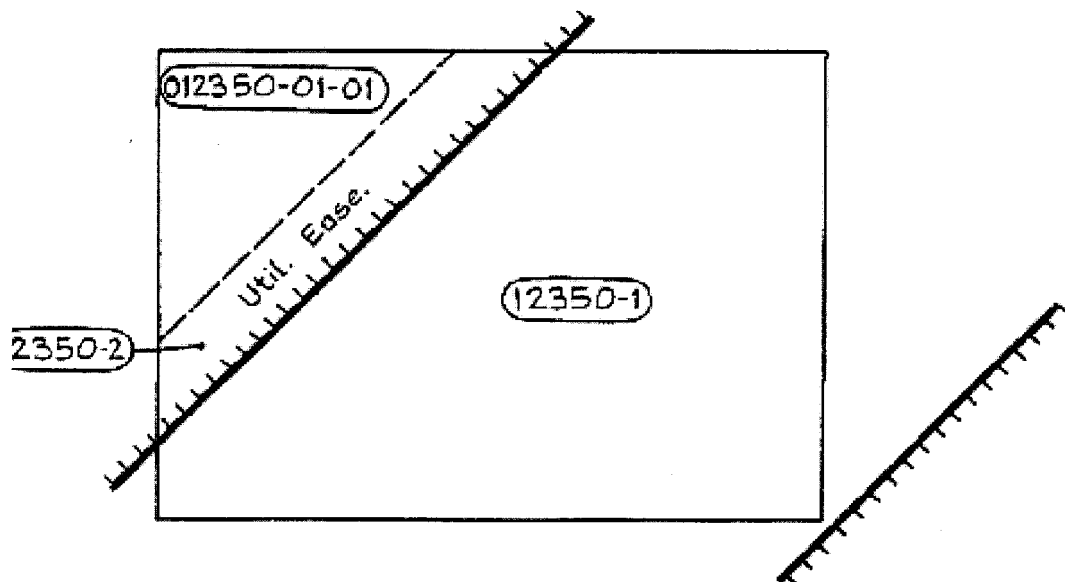
6-EX-2 (REV 12/2004)

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EXAMPLE 6(a)



EXAMPLE 6(b)



EXAMPLE 6 (a) is mapped as a total acquisition with excess and numbered as shown. Later, Design adds a utility easement across the excess. The maps are revised in R/W Engineering as shown on **EXAMPLE 6 (b)** and all affected R/W functions notified. This easement will be given a "non-inventory" number of 012350-X2-XX for tracking purposes in the excess land inventory system.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

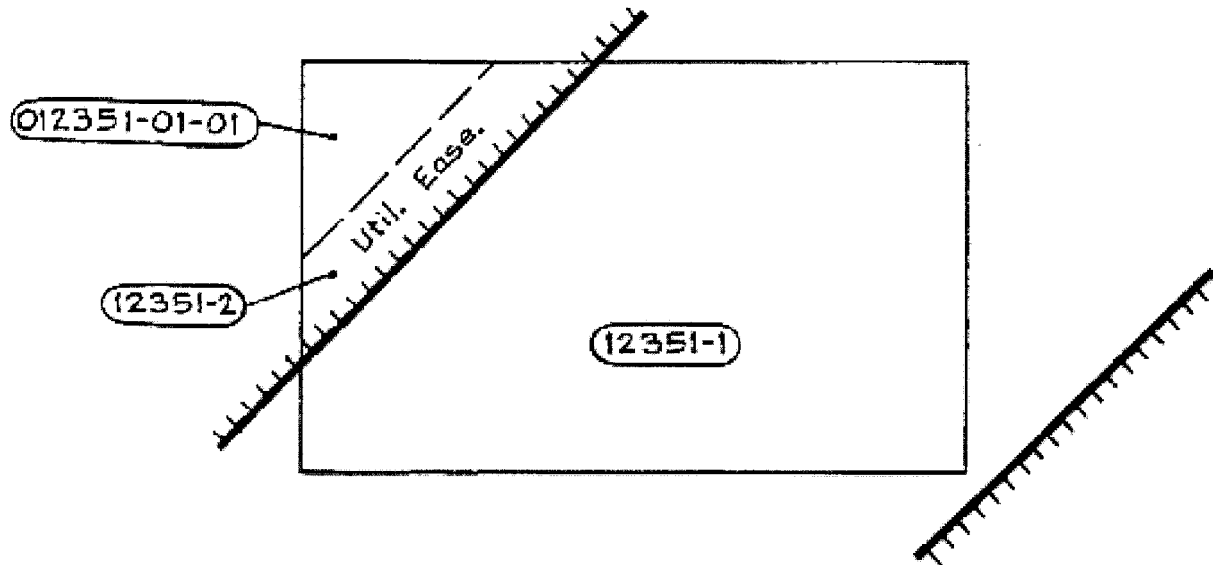
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EXHIBIT

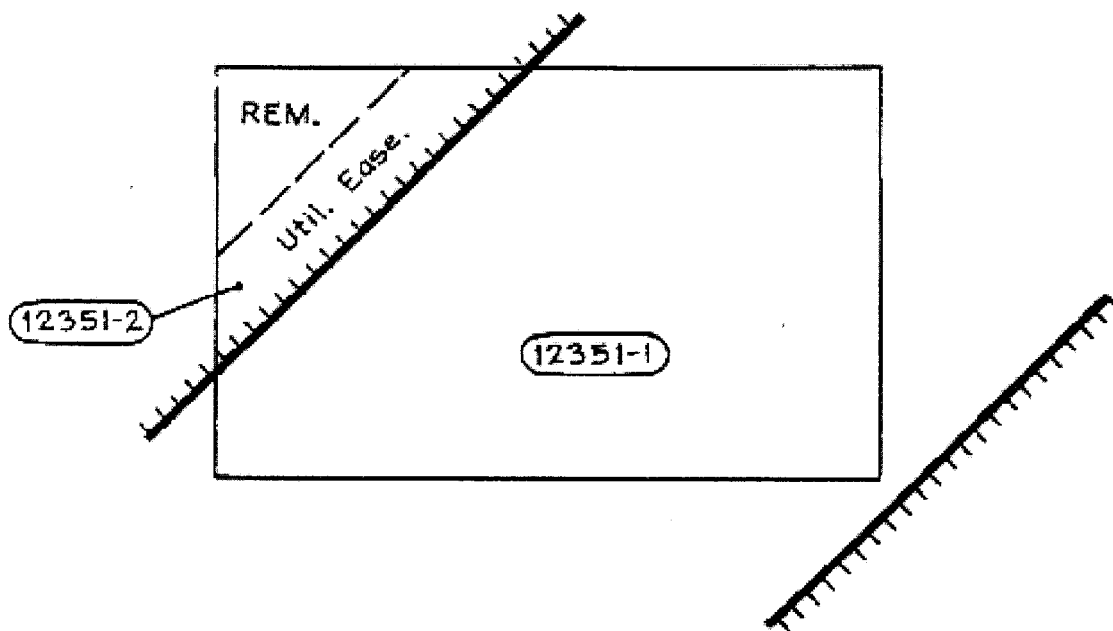
6-EX-2 (REV 12/2004)

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EXAMPLE 7(a)



EXAMPLE 7(b)



EXAMPLE 7 (a) is mapped as a total acquisition with excess and numbered as shown. During appraisal or acquisition a decision is made to acquire right of way without excess. R/W Engineering must revise the map as shown in **EXAMPLE 7(b)**. The easement will be given a "non-inventory" number of 012351-X2-XX for tracking purposes in the excess land inventory.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

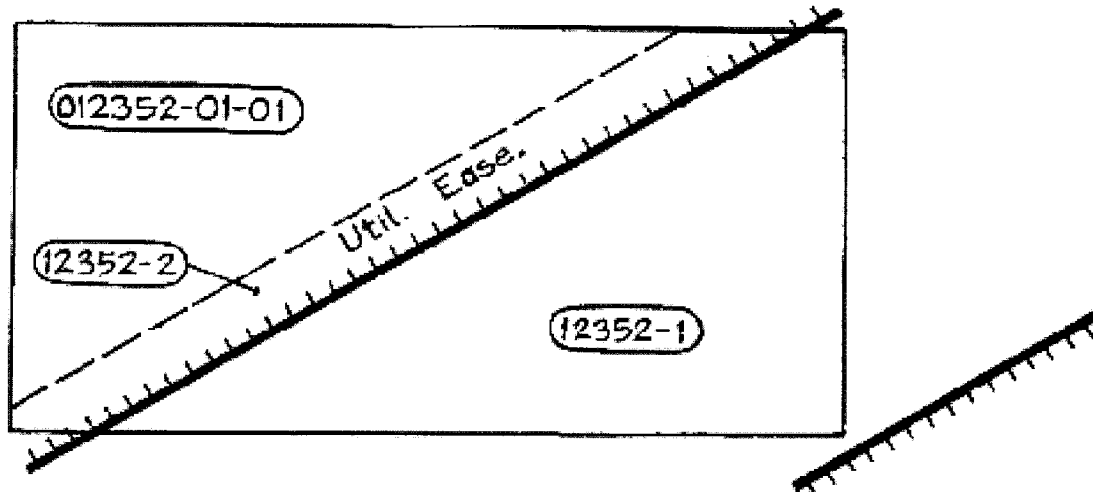
(Form #)

EXHIBIT

6-EX-2 (REV 12/2004)

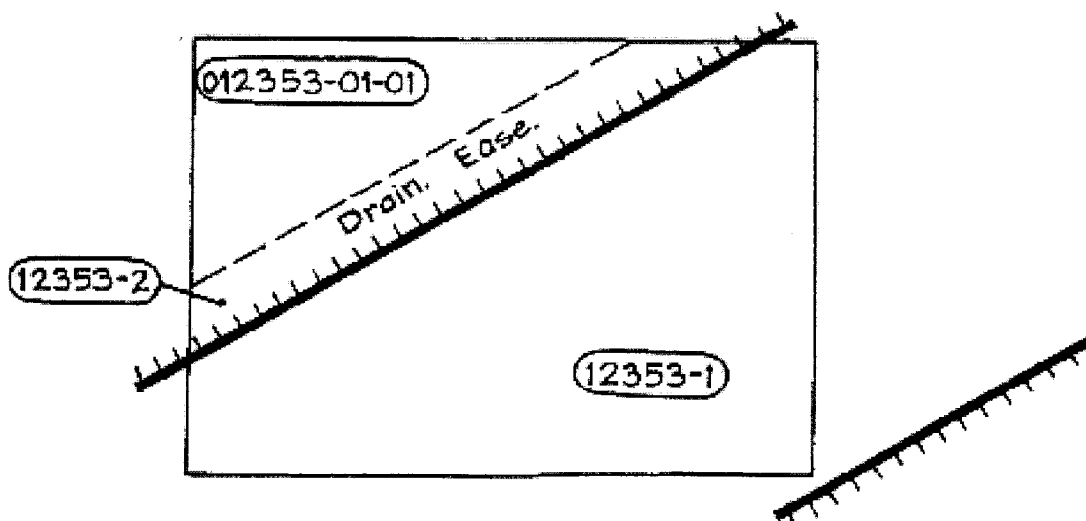
Page 7 of 12

EXAMPLE 8



EXAMPLE 8 is mapped as a total acquisition with excess. In this example the utility easement is to be conveyed directly from the property owner to the utility company. It is given a number 12352-2. Since this easement is never in our possession, a number for tracking purposes in the excess land inventory system is not needed.

EXAMPLE 9



EXAMPLE 9 is mapped as a total acquisition with a right of way fee requirement, excess land and a drainage easement across the excess acquired for a Flood Control District pursuant to a Cooperative Agreement. The drainage easement will be conveyed to the Flood Control District by a Director's Deed. The easement will be given a "non-inventory" number of 012353-X2-XX for tracking purposes in the excess land inventory system.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

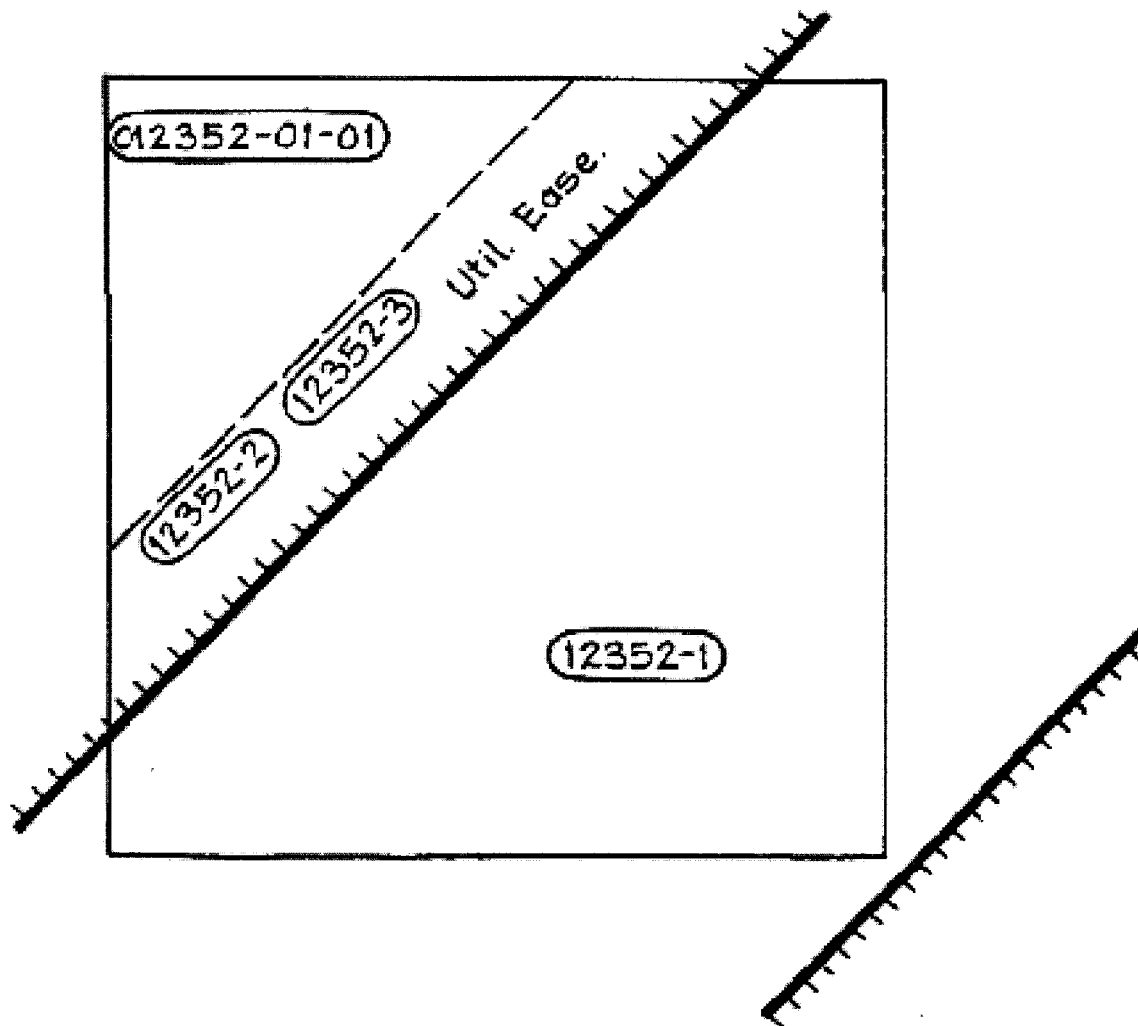
(Form #)

EXHIBIT

6-EX-2 (REV 12/2004)

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EXAMPLE 10



EXAMPLE 10 is mapped as a total acquisition with excess. The utility easement is to be conveyed as non-exclusive easements to two utility companies. The utility easement shall have a separate number for each interest to be separately conveyed. The easements will be given "non-inventory" numbers, 012352-X2-XX and 012352-X3-XX, for tracking purposes in the excess land inventory system.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

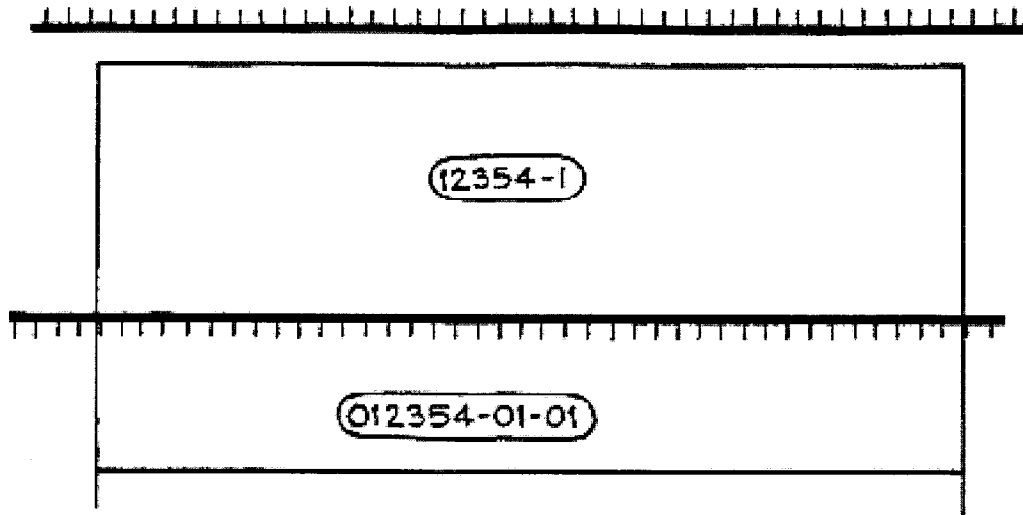
(Form #)

EXHIBIT

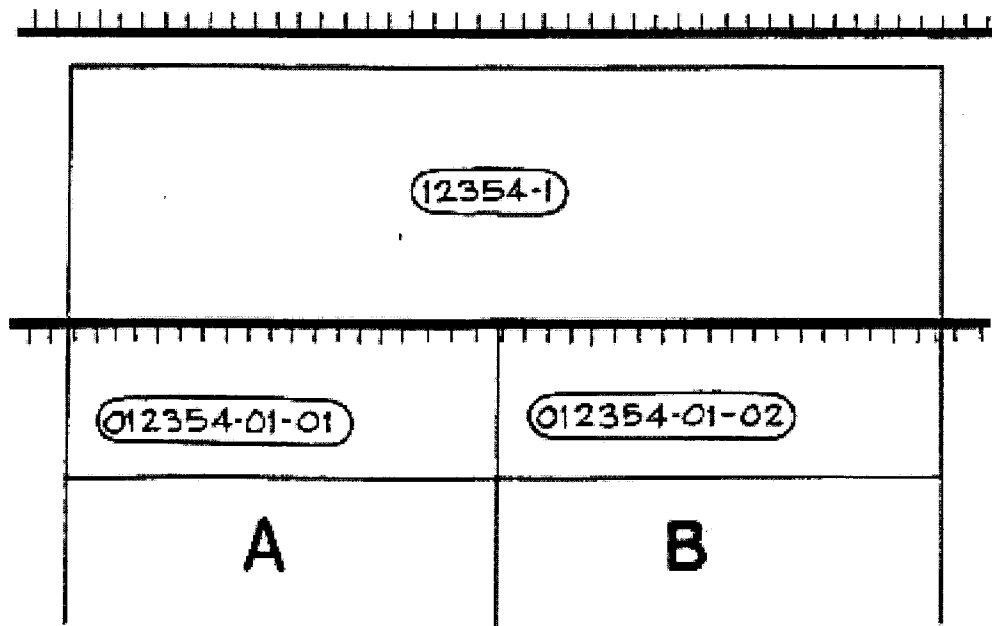
6-EX-2 (REV 12/2004)

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EXAMPLE 11 (a)



EXAMPLE 11 (b)



EXAMPLE 11 (a) is acquired as a total acquisition and numbered as shown. The Excess Land Section requests a split of the excess for sale to adjacent owners **A** and **B** as shown on **EXAMPLE 11 (b)**. The excess land number, 012354-01-01 shown on **EXAMPLE 11 (a)** is used on one of the split areas as shown on **EXAMPLE 11 (b)** and a new excess land number 012354-01-02 is assigned to the excess area split off of the original excess land unit.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

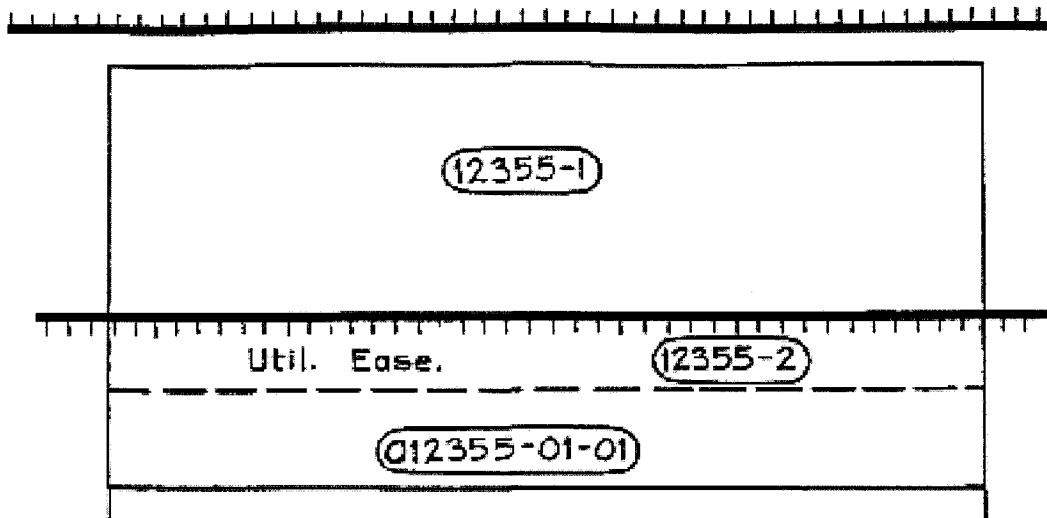
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EXHIBIT

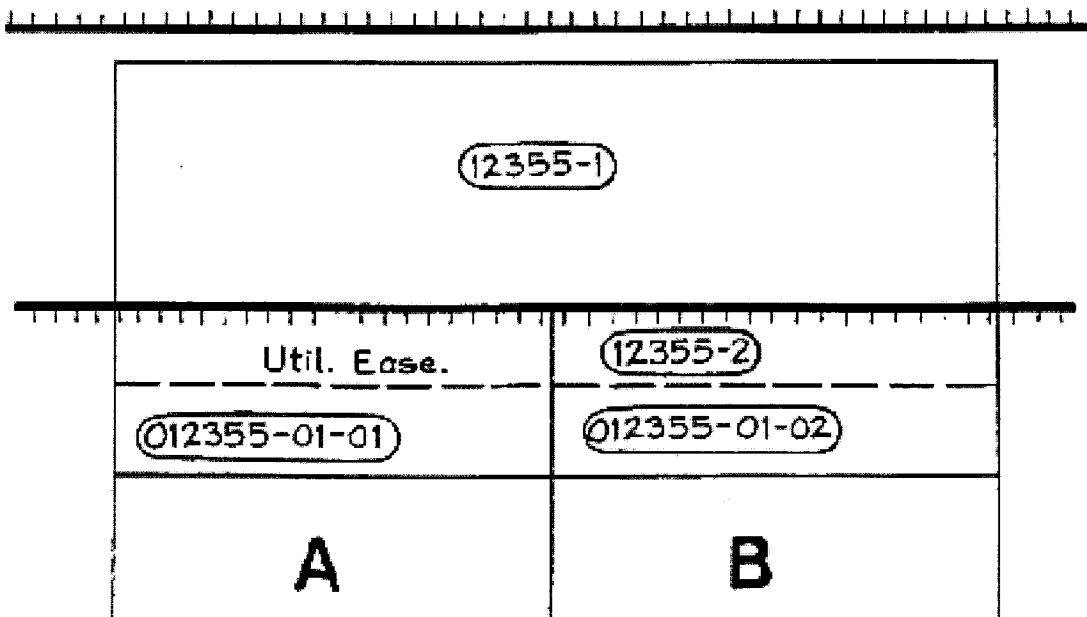
6-EX-2 (REV 12/2004)

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EXAMPLE 12(a)



EXAMPLE 12(b)



EXAMPLE 12 (a) and 12 (b) are the same situation as **EXAMPLE 11 (a) and 11 (b)**, except that the excess has a utility easement across it. Note that in splitting the fee excess for sale to adjacent owners **A** and **B**, the utility easement 12355-2 is not split.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

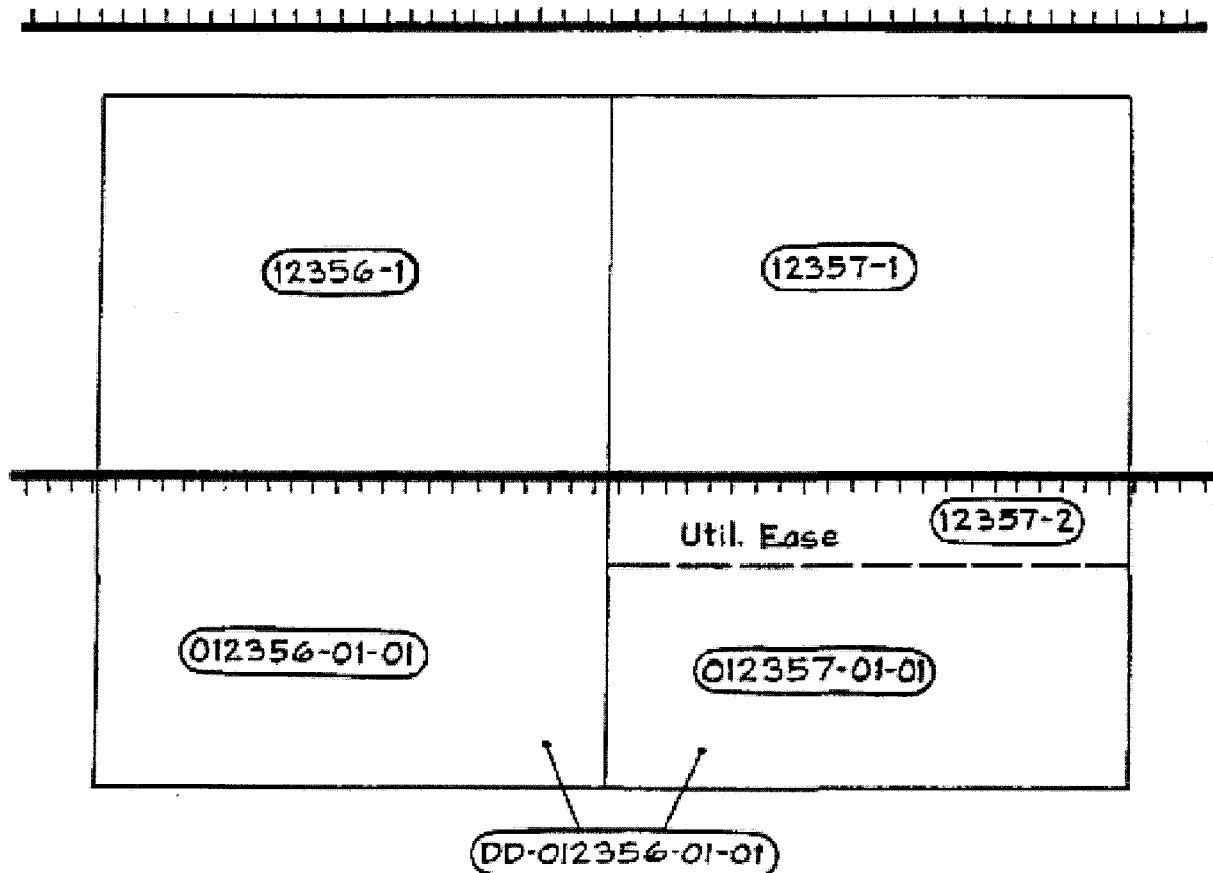
(Form #)

EXHIBIT

6-EX-2 (REV 12/2004)

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EXAMPLE 13



EXAMPLE 13 has two fee excess land parcels combined in one Director's Deed and a separate Director's Deed for a utility easement over only the excess of ownership 12357. The Director's Deed document shall carry the lowest excess land parcel number and need not carry 012357-01-01. The utility easement number 12357-2 is not changed.

**NUMBERING SYSTEM FOR PARCELS, SUBPARCELS, &
ENCUMBRANCES (Cont.)**

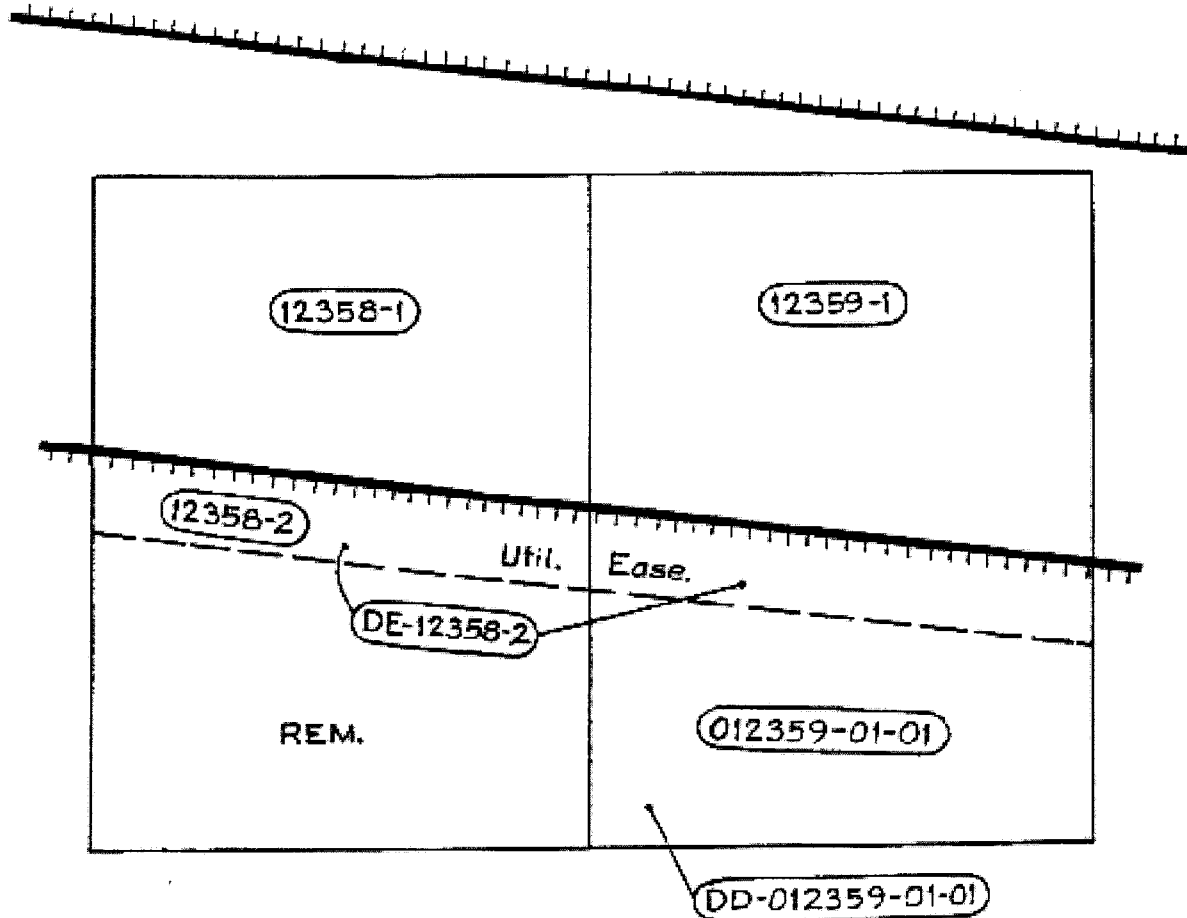
(Form #)

EXHIBIT

6-EX-2 (REV 12/2004)

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EXAMPLE 14



EXAMPLE 14 has excess only over ownership 12359 with a utility easement over both the remainder of 12358 and the excess 12359. The two easements are to be combined into one Director's Deed to the utility company. The Director's Easement Deed will carry only the lowest easement number.

◦ FREEWAY & WAIVER CLAUSES ◦

Grade separation or structure where easement of light, air or view are affected either for present or future improvements. Also where access to frontage road is prohibited.	Freeway on a cut or fill where light, air or view is affected.	Freeway at grade. No interference with light, air or view. Also where access to frontage road prohibited.	Expressway	Freeway and Frontage Road	Conveyance of land and access rights on one side.	Conveyance of access right only, on both sides of Freeway. No R/W taken.
--	--	---	------------	---------------------------	---	--

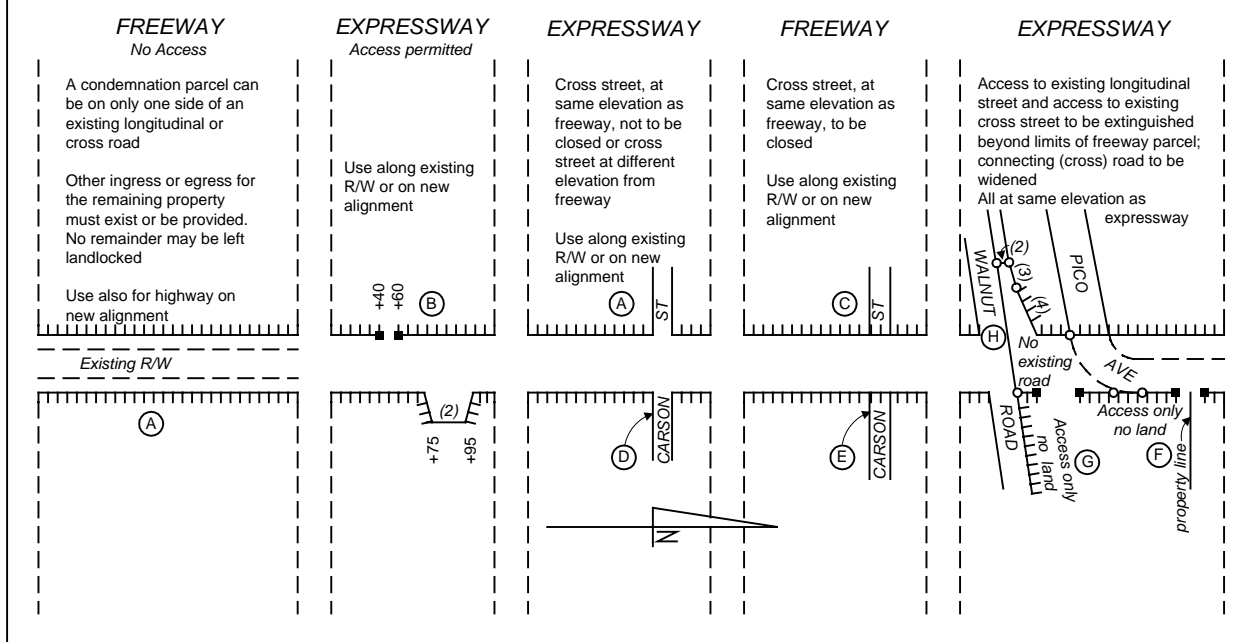
FEE DEEDS	DFA - 1 or DFA - 1 (Alternate)	DF-1 & DM-1	DF-1 & DM-1	DFO-1 & DM-1	DF-1 & DM-1	DF-6 & DM-1
EAS DEED	DFA - 1 or DFA - 1 (Alt) + DM-2	DF-1 & DM-2	DF-1 & DM-2	DFO-1 & DM-2	DF-1 & DM-2	
QUITCLAIM	DFA - 2	DF-2	DF-2	DFO-2	DF-2	DF-6 (Modified)
PARTIAL RECONVEY	DFA - 3	DF-3	DF-3	DFO-3	DF-3	Subordination of Deed of Trust.
PARTIAL REL.MTG.	DFA - 4	DF-4	DF-4	DFO-4	DF-4	Subordination of Mortgage

◦ MISCELLANEOUS CLAUSES ◦

GENERAL WAIVER DEEDS ◦	WAIVER DEEDS ◦	RESERVATION OF MINERAL RIGHTS	RIGHT OF ENTRY
DM-1 EXCEPTIONS: 1. When taking entire property. 2. When using DFA Series.	EASEMENT DM-2 Use in all Easement Deeds	DM-4 Use when requested by Grantor.	DM-5 Use when requested by Grantor. (all instruments)

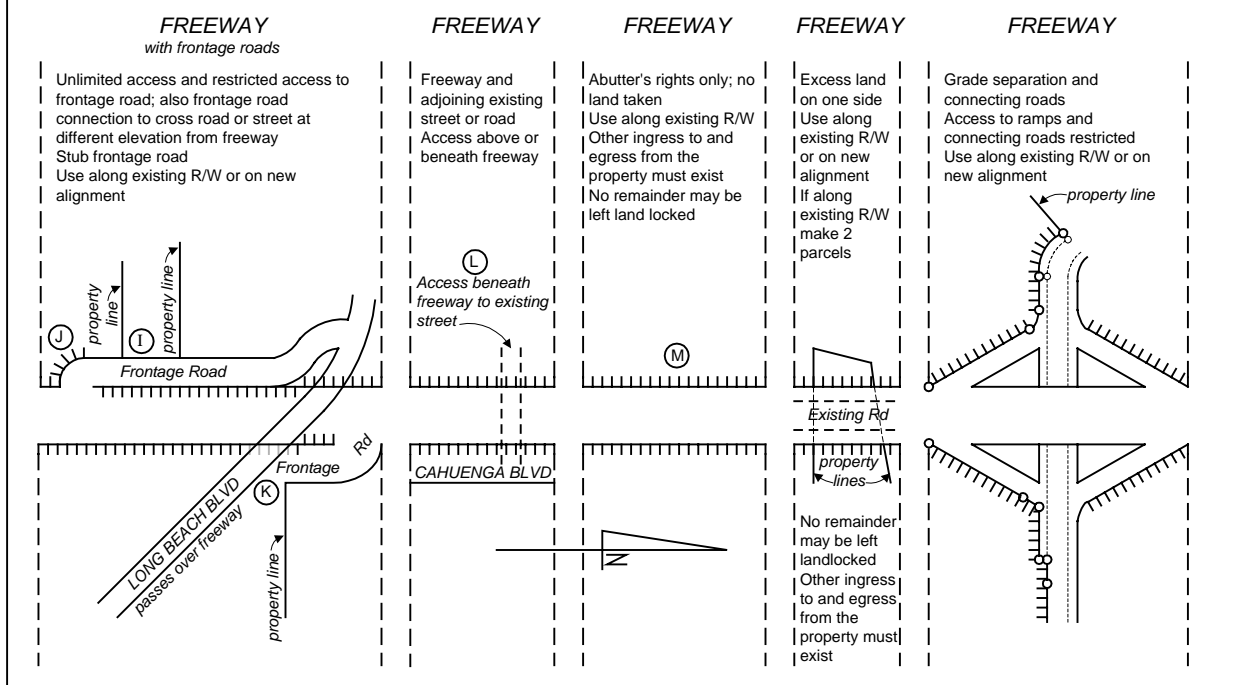
CONDEMNATION PARCEL FREEWAY SITUATIONS REQUIRING ACCESS CLAUSES

SHEET 1

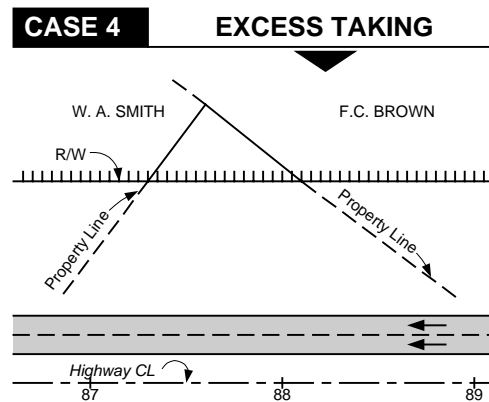
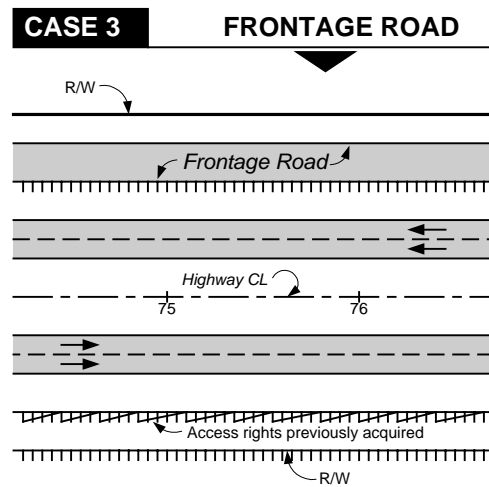
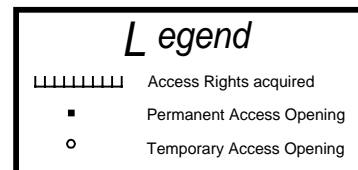
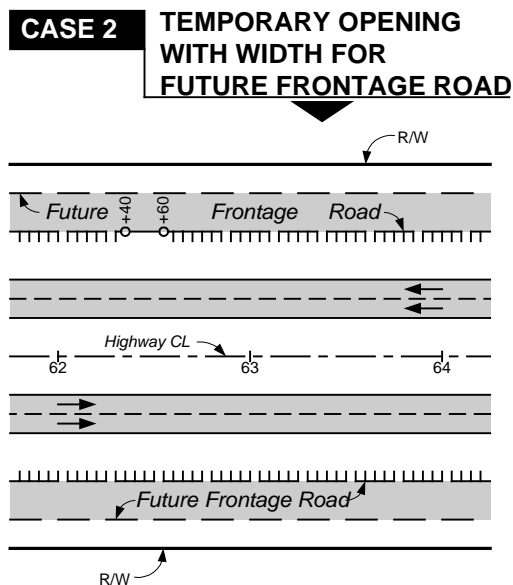
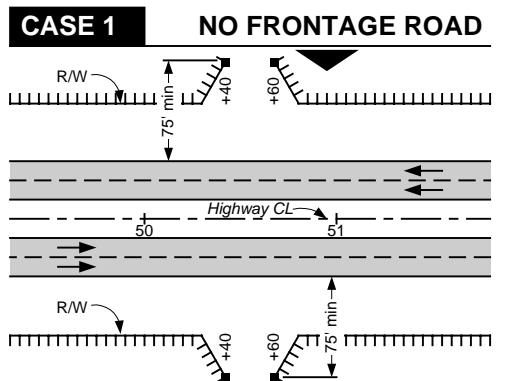


CONDEMNATION PARCEL FREEWAY SITUATIONS REQUIRING ACCESS CLAUSES

SHEET 2



DELINEATION OF FREEWAY SYMBOLS AND ACCESS OPENINGS



SAMPLE OF VACATION MEMO TO LOCAL AGENCIES

(Form #)

Date

File

To: Board of Supervisors, or
City Council

Gentlemen

Enclosed is a map showing portions of State Highway right of way no longer needed over which the State has only an easement for public road purposes and which we plan to vacate.

Section 8330.5 of the Streets and Highways Code provides that the California Transportation Commission shall offer to relinquish this right of way to the local agency pursuant to Section 73 of the Streets and Highways Code. If your agency does not want the State highway right of way, the Commission may proceed with a vacation of the right of way.

Section 8313 of the Streets and Highways Code provides that the Commission shall consider any general or master plan adopted by the local agency prior to vacating State highway right of way.

Section 2381 of the Streets and Highways Code provides that State highway right of way shall not be vacated until the local agency having jurisdiction over the areas concerned has been consulted to determine whether the rights of way or parts thereof could be developed as nonmotorized transportation facilities. If an affirmative determination is made by your agency, these portions of right of way will be made available to you for such development in accordance with the terms and procedures of Sections 104.15 and 156.8 of the Streets and Highways Code and Section 14012 of the Government Code.

Please notify this office whether or not your agency wants to acquire all or a portion of this right of way for highway purposes or nonmotorized transportation facilities. Also, please notify this office whether or not this vacation of the right of way would be incompatible with any general or master plan of your agency.

This letter provides you with notice of our present intention to submit this vacation to the Commission at a regular meeting following a period of 90 days from the date you receive this notice.

Deputy District Director

By
District R/W Engineer

Enclosure

PARCEL SUMMARY CARD

(Form #)

PARCEL SUMMARY CARDParcel No.
Co. Rte. P.M.**Grantor:****Property Address:****Type of Property:**

Single Res.	<input type="checkbox"/>	Industrial	<input type="checkbox"/>
Multi. Res.	<input type="checkbox"/>	Agricultural	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	Special Purpose	<input type="checkbox"/>

Type of Acquisition:

Entire:	<input type="checkbox"/>
Partial:	<input type="checkbox"/>
Access:	<input type="checkbox"/>

Date of Acquisition:

Nature of Impr.:		None	<input type="checkbox"/>
Single Res.	<input type="checkbox"/>	Industrial	<input type="checkbox"/>
Multi. Res.	<input type="checkbox"/>	Agricultural	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	Special Purpose	<input type="checkbox"/>

Improvements were:

Acquired	<input type="checkbox"/>	Relocated	<input type="checkbox"/>
----------	--------------------------	-----------	--------------------------

Acquired by:

Deed:	<input type="checkbox"/>
Condemnation:	<input type="checkbox"/>
Case No.:	<input type="checkbox"/>

Area:* _____

CONSIDERATION:

Cash Payment	\$ _____
Construction Contract Work	\$ _____
Value of Property Exchanged	\$ _____
Other	\$ _____

Description of Construction work performed by State of other considerations:

* Delete this item if area of taking is shown on Right of Way Record Maps.

NON-INVENTORY EXCESS LAND DEFINITION AND NUMBERING

(Form #)

I. Types of Non-Inventory Excess Land Parcels

1. Inventory parcels are all excess lands except those parcels specifically defined as non-inventory parcels.

Note: Lands decertified at the request of adjoining owners are inventory parcels, except access only decertifications.

2. Non-inventory parcels are:

- a. All excess lands which the Department intends to convey to a specific entity:

- under the terms of a written agreement with that entity,
- whether identified as excess when acquired or identified after acquisition.

- b. All decertified access rights provided no other property rights are involved.

3. Examples of non-inventory parcels of excess lands include the following:

- a. Parcels acquired exclusively for exchange pursuant to an executed written agreement.

- b. Parcels acquired exclusively for replacement or replenishment housing facilities.

- c. Property rights to be conveyed pursuant to an executed utility agreement for facility relocations.

- d. Property rights, including underlying fee in local streets, which are to be conveyed to a local agency under terms of a freeway and/or cooperative agreement.

- e. All decertified access rights where no other property rights are involved.

- f. Property specifically acquired for another agency under terms of a written agreement.
-

NON-INVENTORY EXCESS LAND DEFINITION AND NUMBERING (Cont.)

(Form #)

EXHIBIT

6-EX-8

PAGE 2 OF 2

II. R/W Engineering Procedure for Numbering *Only* Non-Inventory Excess Parcels on Deed and Record Map

Parcel # on Record Map Before Disposal	Computer Number	Director Deed Number	Director Deed No. Posted on Record Map
12345	012345-XX-XX	DK 12345 (012345-XX-XX)	DK 12345
12345-1	012345-X1-XX	DK 12345-1 (012345-X1-XX)	DK 12345-1
1234A	01234A-XX-XX	DD 1234A (01234A-XX-XX)	DD 1234A
12345-A	012345-XA-XX	DE 12345-A (012345-XA-XX)	DE 12345-A
1234-2A	001234-2A-XX	DD 1234-2A (001234-2A-XX)	DD 1234-2A
12345-12	012345-12-XX	DE 12345-12 (012345-12-XX)	DE 12345-12
12345.1	012345-P1-XX	DK 12345.1 (012345-P1-XX)	DK 12345.1
1234-2 }	001234-X2-XX	DK 1234-2 (001234-X2-XX)	DK 1234-2
1276-3 }	001276-X3-XX	(001276-X3-XX)	
1284-6 }	001284-X6-XX	(001284-X6-XX)	

III. R/W Engineering Procedure for Numbering Disposal unit with Both Non-Inventory and Inventory Excess

Use the same procedure as above except use "9's" instead of "X's" as fillers. This will allow the lowest inventory parcel number to always be the key parcel.

Note: On non-inventory deeds only, both the original parcel number and the computer parcel number(s) are entered for cross-referencing purposes.

CERTIFICATE OF SUFFICIENCY

6-EX-9 (NEW 12/2004)

(Form #)

_____	_____	_____	_____	KP (P.M.)	_____ _____ _____	_____
Date	Dist	Co	Rte			Exp Auth

PROJECT DESCRIPTION:

APPRAISAL MAP NO.:

MAP DATE:

PARCEL NUMBER(S):

I hereby certify the right of way and degree of access control are correctly shown on the above-referenced appraisal map(s) and are sufficient for the construction of this project, and the approved Hazardous Substances Disclosure Document is attached herewith.

(Type Name)
Project Engineer

Date

(Type Name)
Senior Design Engineer

Date

☐ Required Attachment, Hazardous Substances Disclosure Document - Form ENV-001

Note: Only the minimum required signatures are shown on the exhibit. Additional signatures may be incorporated as appropriate.

**INSTRUCTIONS FOR
CERTIFICATE OF SUFFICIENCY (6-EX-9) AND
HAZARDOUS SUBSTANCES DISCLOSURE DOCUMENT (ENV-001)**

The unsigned Certificate of Sufficiency is generated by Right of Way Engineering upon completion of the appraisal maps, and shall be sent with the initial transmittal of the maps to the appropriate design office (e.g., Design, Traffic, Maintenance, or Hydraulics) to be approved by both the Project Engineer and the Senior Design Engineer. **This approval authority cannot be subdelegated.** The certification shall apply to all right of way parcels listed, by Right of Way Engineering, under the heading, "PARCEL NUMBER(S)." Right of Way Appraisals may perform preliminary work based on the initial transmittal of appraisal maps; however, the appraisal report cannot be approved for the first written offer until Right of Way receives the completed Certificate of Sufficiency.

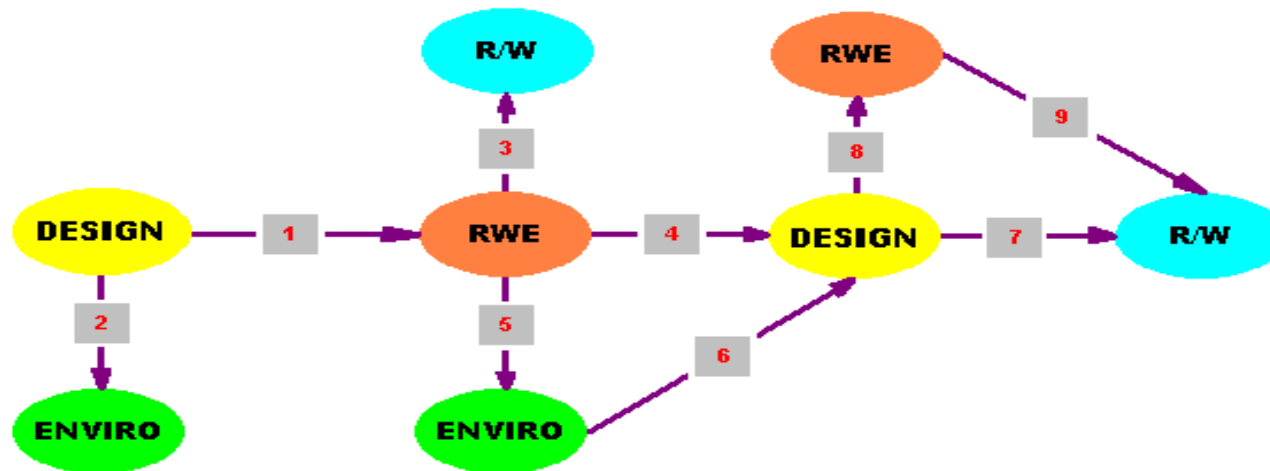
The Hazardous Substances Disclosure Document (HSDD) is a required attachment to the Certificate of Sufficiency. The HSDD shall be approved by the District Hazardous Waste Coordinator. The disclosure(s) shall apply to all right of way parcels listed under the heading, "R/W PARCEL NUMBER(S)." The parcel number(s) should be typed inside of the parentheses located to the left of the applicable disclosure statement. Right of Way Engineering will send a copy of the appraisal maps to the District Hazardous Waste Coordinator at the same time as the initial transmittal to Right of Way Appraisals, to trigger the production of the HSDD. The design office is responsible for obtaining the approved HSDD for attachment to the Certificate of Sufficiency.

The attached flowchart is the recommended process and outlines the following: Once the appropriate signatures have been obtained, the original Certificate of Sufficiency and HSDD(s) with attachment(s), if any, are sent to Right of Way Appraisals, and a copy of only the Certificate of Sufficiency is sent to Right of Way Engineering. Right of Way Engineering transmits the final appraisal maps to Right of Way Appraisals, if necessary.

The original Certificate of Sufficiency is not valid unless the approved HSDD is attached.

Any revision to the maps will require a new Certificate of Sufficiency. A new HSDD will be required only if the right of way requirements have increased.

CERTIFICATE OF SUFFICIENCY (CoS) FLOWCHART



- 1** DESIGN transmits right of way requirements to RIGHT OF WAY ENGINEERING (RWE)
- 2** DESIGN cc's right of way requirements to ENVIRONMENTAL (ENVIRO)
- 3** RWE transmits initial Appraisal Maps to Right of Way (R/W) for preliminary activities
- 4** RWE transmits initial Appraisal Maps to DESIGN with unsigned CoS
- 5** RWE cc's initial Appraisal Maps to ENVIRO with unsigned CoS
- 6** ENVIRO transmits unsigned CoS with approved HAZARDOUS SUBSTANCES DISCLOSURE DOCUMENT (HSDD) to DESIGN
- 7** DESIGN transmits approved CoS with approved HSDD to R/W
- 8** DESIGN cc's approved CoS (without HSDD) to RWE
- 9** RWE transmits final Appraisal Maps to R/W

The initial transmittal becomes the final map once the CoS is attached
Any changes to right of way requirements after transmittal of initial maps constitutes a revision and requires a return to Step 1

CoS will include parcel numbers coinciding with initial maps